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PROVINCIAL PAPERS

OF

NEW HAMPSHIRE

INCLUDING THE RECORDS OF THE PRESIDENT AND COUNCIL, JANUARY 1, 1679, TO DECEMBER 22, 1680; JULY 6 TO SEPTEMBER 8, 1681; NOVEMBER 22, 1681, TO AUGUST 21, 1682; RECORDS OF THE GOVERNOR AND COUNCIL, OCTOBER 4 TO OCTOBER 14, 1682, UNDER THE SUCCESSIVE ADMINISTRATIONS OF CUTT, WALDRON, AND CRANFIELD: ACTS OF THE ASSEMBLY, AUGUST SESSION, 1699; JOURNALS OF THE HOUSE OF REPRESENTATIVES, AUGUST 7, 1699, TO OCTOBER 4, 1701, AND MAY 9, 1711, TO APRIL 30, 1722: ANCIENT DOCUMENTS RELATING TO THE CONTROVERSY OVER THE BOUNDARY LINE BETWEEN NEW HAMPSHIRE AND MASSACHUSETTS.

WITH

HISTORICAL NOTES, A CHRONOLOGICAL LIST OF BOUNDARY LINE PAPERS, CONTEMPORARY MAPS, AND OTHER ILLUSTRATIONS.

VOL. XIX.

ALBERT STILLMAN BATCHELLOR,
EDITOR.

MANCHESTER, N. H.:
JOHN B. CLARKE, PUBLIC PRINTER.
1891.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

Resolved by the Senate and House of Representatives in General Court convened:

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the State, one copy to such of the public libraries in the State as the Governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

Approved August 4, 1881.

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THE STATE OF NEW HAMPSHIRE.

To Albert S. Batchellor, Esquire, Greeting:

Know You, That we, reposing especial trust and confidence in your fidelity and ability, have constituted and appointed you Editor and Compiler of Early State and Provincial Records and other State Papers of New Hampshire, hereby giving and granting unto you, the said Albert S. Batchellor, all the power and authority given and granted by the Constitution and Laws of our State to an Editor and Compiler of Early State and Provincial Records. To HAVE AND TO HOLD THE SAID OFFICE, With all the powers, privileges, and immunities to the same belonging, for the term of — years from the date hereof, provided you are of good behavior during said term.

[L. S.]
D. H. Goodell,
Governor.

IN TESTIMONY WHEREOF, We have caused our seal to be hereunto affixed.

WITNESS, David H. Goodell, Governor of our State, at Concord, this 9th day of October, in the year of our Lord one thousand eight hundred and ninety, and of the independence of the United States of America the one hundred and fifteenth.

By the Governor, with advice of the Council.

C. B. RANDLETT,
Deputy Secretary of State.

THE STATE OF NEW HAMPSHIRE.

GRAFTON SS. October 27, 1890.

Then the said Albert S. Batchellor took and subscribed the oath of office as Editor and Compiler of Early State and Provincial Records and other State Papers of New Hampshire, as prescribed by law.

Before us.

HENRY W. BLAIR, } *Justices of the Peace,*
DANIEL BARNARD, } *Quorum Unus.*

To A. S. Batchellor, Editor of State Papers:

You are authorized to collect, arrange, transcribe, and superintend the publication of the New Hampshire Town Charters, as recommended in the section numbered one, in the Report of the Committee of the Governor and Council, submitted and adopted in May, 1889, and the Journals of the Assembly, Provincial Congress, Legislature, and Councils of New Hampshire, previous to the year 1800, as recommended in the section numbered two in said report.

You are also authorized to include in said work such rolls of the soldiers of New Hampshire in the French and Indian and Revolutionary wars as may be available, and which have not already been published in the volumes edited by Isaac W. Hammond, Esq.

You will also cause such explanatory notes and citations, tables of contents and indexes, with such illustrative papers, maps, and plans as you may deem useful, to be prepared and made a part of your work.

This I deem proper to be done, and I give these directions in accordance with the provisions of the joint resolution relating to the preservation and publication of portions of the early State and Provincial Records and other State Papers of New Hampshire, approved August 4, 1881.

Given under my hand at Concord this 16th day of October, A. D. 1890.

D. H. GOODELL,

Governor.

A. S. Batchellor, Editor of State Papers:

You are hereby authorized to arrange, transcribe, and superintend the publication of the Township Grants, Masonian Proprietary Papers, Boundary Line Documents and Plans contained in the collection of papers donated to the State by Robert Cutts Peirce of Portsmouth, the Boundary Line Papers additional to those contained in the Peirce donation above mentioned which have been transcribed from the Massachusetts archives for the use of this State, the Notes of Hazzen's Survey on the westerly part of the boundary line, as it was supposed to be between Massachusetts and New Hampshire, the Acts and Laws passed by the General Court or Assembly of his Majesty's Province of New Hampshire in New England, begun and held at Portsmouth on the seventh day of August, 1699, title, 1. leaf, and pp. 3–10, and the Calendar of New Hampshire Papers in the English Archives already procured by the State for the New Hampshire Historical Society.

You will also cause such explanatory notes and citations, tables of contents and indexes, with such illustrative papers, maps, and plans as you may deem useful, to be prepared and made a part of your work.

This I deem proper to be done, and I give these directions in accordance with the provisions of the Joint Resolution relating to the preservation and publication of portions of the early State and Provincial Papers and other State Papers of New Hampshire, approved August 4, 1881.

Given under my hand at Concord, this thirteenth day of October, A. D. 1891.

HIRAM A. TUTTLE,

Governor.

PREFACE.

This volume is devoted to the presentation of such parts of the documentary history of the state as were not accessible at the time of the publication of its predecessors, or for other reasons were not given place in chronological order. The necessity for bringing his work to a conclusion within certain prescribed limits left Dr. Bouton, the editor of the first ten volumes, the choice between two courses, — to make extensive omissions of official and contemporary records having important narrative and illustrative uses, thus advancing his abstracts or selections from the body of the record over a much longer period, or to publish full and literal transcripts of all important archives within his authority, with the imminent probability that he would never be permitted to enter upon such interesting epochs as the French and Indian War, the War for Independence, and the evolution of a permanent state government and federal constitution from colonial and revolutionary conditions. By adopting the latter course, he was able to present the outlines of the documentary history of New Hampshire in those periods, in such an accessible form, that, notwithstanding its admitted incompleteness in presenting the records of certain departments of government, it has taken high rank as an authority among historical works of reference. The great and deserved success of Dr. Bouton was an important inducement to the further prosecution of the work which was afterwards resumed by the state and wisely placed in charge of Mr. Isaac Ware Hammond. His labors were embodied in eight volumes. These were XI., XII., and XIII., in which the Town Papers, so called, were published in a convenient arrangement by which the documents relating especially to municipal concerns were classified by town titles and the town chapters given alphabetical sequence; XIV., XV., XVI., and a part of XVII., in which were published the rolls of the New Hampshire soldiers who served in any of the organizations recognized in the Revolutionary service, including those borne upon the rolls deposited in state offices, and on those preserved in Washington; and the remainder of XVII., and XVIII., which were devoted to miscellaneous papers pertaining to our documentary history down to the year 1800. Some of the notable features of Mr. Hammond's service, as editor of these papers, were his thorough and comprehensive method of indexing, his common-sense arrangement of material, and the conscientious industry and completeness with which he searched out and presented all the matter relating to his subject without elimination, suppression, or needless omission. His decease

occurred September 28, 1890, only three days after volume XVIII., the last of the series which he edited, had been received and approved by the Governor and Council. The state had no more faithful servant, and her history has found no more devoted student than Mr. Hammond. His work is his monument.

The continuation of the series has been again resumed on the plan outlined in the report of a Committee of the Executive Council which appears in the preface to Vol. XVIII.

The larger part of the current volume is devoted to the documentary history of the controversy over the boundary line between New Hampshire and Massachusetts. Always important, these papers are of especial interest at this time owing to the recent action of the two states in renewing the attempt to effect a final settlement of the long standing dispute by the appointment of state commissions on either side and legislation tending to an examination and review of the issues in a spirit of comity. This material has been gathered from the state archives of Massachusetts and New Hampshire through a personal examination of the records in official and other depositories.

In the Journals of the House of Representatives from 1699 to 1701 and from 1711 to 1722, heretofore unpublished, we believe we have presented an interesting and valuable contribution to the material through which the development of modern forms and methods of legislation and government must be traced.

The recovery of the valuable pamphlet which contains the laws of New Hampshire passed at the session of August, 1699, sets back by seventeen years the point of interest which has been heretofore attached to the Russell edition of 1716, as the earliest printed copy of the laws of the province known to the student of legal antiquities. With the reproduction of the Journal of the House for the same period, which has already been mentioned, and the Journals of the Council, published in Dr. Bouton's Volumes II. and III., a full chapter of legislative proceedings at a very remote period is perfected. It is of interest to note that this fragment is the only portion of the records from 1679 to 1711 which is complete in the four particulars of a Council Record, Journal of the Council and Assembly, Journal of the House, and Session Laws.

The reproduction of the earliest and the principal part of the official record of the first President and Council of the Province of New Hampshire from the archives of the Massachusetts Historical Society, followed by the opportune discovery and addition of similar records covering important parts of the administrations of President Waldron and Governor Cranfield, which have but recently been obtained from London, as elsewhere related, has yielded material which will hereafter be considered indispensable in the investigation of the history of that period, and without which only the outlines of the narrative of the beginning of our provincial government could be drawn. The restoration of these documents to the state by transcription, after they have remained for perhaps two hundred years undiscovered in the seclusion of English official custody or in the historical collections of a neighboring state, may be taken as a stimulus to diligent search for other important sections of New Hampshire official records which are somewhere awaiting the call to

"come forth." An article in Vol. 5, Collections of the N. H. Historical Society, page 18, is suggestive in explanation of the deficiencies of our early records. Undoubtedly there remain great opportunities to be improved in the restoration of our lost and scattered official records and papers, or in the procurement of substantial copies which may serve the purpose of the originals for practical use and reference.

The Calendar of Papers relating to New Hampshire in the English Archives, prepared for the New Hampshire Historical Society by Mr. B. F. Stevens, of London, will be included in a subsequent volume. It will indicate what papers in those records are in existence in London, to supplement those contained in our state collections. Should the publication of such papers as are now accessible in Stevens's Fac-similes and in similar works, be carried back over the period of our provincial history, which is quite possible, the Calendar will become more than a mere informant to those who do not have personal access to foreign records; it will be an actual guide in the use of fac-similes and printed copies which all the great libraries of this country are securing.

A chronological list of documents relating to the boundary line controversy will be found in the body of this volume, immediately following the part devoted to those papers. It includes all that have been printed on that subject in this volume and the preceding ones in the series. This list is designed to serve as a special aid to the student of that important subject in searching the contents of our state publications.

It is a pleasure to acknowledge the cordial assistance offered by the executives of the state and all subordinate departments. A particular expression of personal obligation is due to the Hon. Ezra S. Stearns, Secretary of State, whose advice has often been sought and wisely given; whose accurate learning and excellent judgment have been a constant aid; whose devotion to the duties of his office is untiring and whose courtesy is unfailing.

Every accommodation which could be desired has also been afforded by the Hon. William M. Olin, Secretary of the Commonwealth of Massachusetts, in our protracted examination of the early records in his office. We are under obligations to Dr. Samuel A. Green, of the Massachusetts Historical Society, Mr. Stone, the librarian of the Historical Society of Pennsylvania, and Prof. Francis N. Thorpe, of the University of Pennsylvania.

THE EDITOR.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

PROVINCE OF NEW HAMPSHIRE,

1711–1722.

* 1–1 * Minutes of the Representatives, 1711.

on the 9th May Mett ℘sent

Mr Speaker Gerrish	Theo: Dudley	S: Keais
N: Hill	Geo: Jaffry	Eze: Wentworth
J: Smith	Step: Jones	D: Tilton
Ja: Rendell	Epha: Marston	Theo: Atkinson
	Nickholas Gillman	

His Excellency And Councell sent for the House And Delivered A Speech to the Speaker Viz: Gentellmen

It Is ye useall season of your Mettinge for ye service And beneffit of ye province and I shall be glade to Consent to Any thinge for her Majesties service And your owen Defence and advantage

I Hope ye Comitee of both Houses Left ye last sessions for ye Ajusting your accot and Debts are Redey with thayer returnes soe yt all futuere Complaynts will be Taiken Away by ye payment of ye Arrears Debts soldiers and subsistance

Wee ar sensible that ye Indians are Devided Into small parties and give us Trubell Every Whear In ye ffronttears ffor prevention of

This Journal of the House of Representatives is contemporary with the Records of the Council, published in New Hampshire Province Papers, Vol. II., and the Journal of the Assembly, published in Vol. III., same series. The stars mark the beginning of a new page, and the numerals indicate the corresponding volume and page of the manuscript House Journals, as arranged by the late John Farmer, and now in the office of the Secretary of State. — Ed.

which I have Latley strenthned y^e^ province of Magn : with on hundred Musqueteears mor y^n^ Thaier usual garrisons which are Marthinge I ame Informed y^t^ severael of Her Majestes good Subjettes of this province Are willing to Marth as Volunters without subsistance or wages ffrom y^e^ province if thay Mite have a Rewarde by y^e^ heads granted them by y^e^ Asembley which I recommend to your Consideration we being all sensabell how much more service is to be Expeted ffrom volunteres at all times Then from Men Impresd And Drawen Into y^e^ servise.

* 1–2 * I recommend to your Considerration The building A Howse for y^e^ province and an almes House and Beidwell In this Towen for y^e^ servis of The province Agreabell to what Is done In other Plases y^e^ benefite of which for y^e^ Honour of the Province the good goverment of y^e^ pore as well as vitious peopel will soon Countervaile the Charg —

I have heartofore Desined Which I now repeat that there may be A Commite of both Howses to rivise the Laws of This province and Maik A faire Transcripte of Them fitt to be Humbly Laied befor her Majesty for her royls Alowence and Confirmation ; which you may now Doe Soe as to have them redey to Be Transmited y^e^ next retturn of ouer ships ffor great Brittaine :

I have directed M^r^ Treasurer to Lay befor you y^e^ stat of your acco he is now Entering Apon his tenth yeare since I have had y^e^ Honour to Command hear and have past his acco^ts^ home to her Majestys Exchequer I am of opinion the Howse of representatives owe him Thayer vote of thanks for his Care In y^e^ servise of y^e^ province soe far Endinge with his : ninth years acco^ts^ and to Desire his Care for y^e^ future In suply of subsistance and Clothing of Any souldgers To be nessarely raised for y^e^ Defence of her Majesty good subjects of this province as ned shall be I have brought with me Colo^l^ Rednape her Majestys Engenear : to peruse y^e^ works at y^e^ fort and to report The nesseary repayers which I shall Lay befor them —

May 9^th^ The Howse Is Ajorned for two Howers :

The house Returned According to Adjornm^t^ present those in the Morning

Perusing the Gov^s^ Speech ordered that In Answear thereto the folowing be sent Up — Viz

* 1–3 * May It please your Excellency

Wee have Perused Your Excellencys Speech and Shall Consider the severall paragrafes therein And Doe Our Duety In Answearing them

9 May 1711 by order of the house of Representatives

Copie Sam^ll^ Keais Cler :

the Return of the Comitte being befor Us Wee find therein three Articles Refered to this house Viz: Muster Roles for Two Dayes scouting

Voted that the s^d Muster Roles be paid

Adjorned to the 10th Ins^t nine of Clock

May 10^th The Howse Mett at time and plas: Excepting M^r georg: Jeffrys: Cap^t gillman: Cap^t gillman Came sone After: and allsoe M^r Jeffryes:

the Return of the Comitte for Examining the Pro: D^ts &c: being sent Is Approved of and Voted: the D^ts Amounting to three thousand thousand Seventy five pounds 17^s & 05^d £3075: 17: 5

* The Howse Is Ajorned for 2 howers. * 1–4

Returned According to Adjornm^t the Whole house

May y^e 10 The Howse Is Ajorned to tomorow 9 of y^e Clock it Beinge y^e 11^e Enstant

May 11^th The Hows Mett acording to time and plas Excepting M^r Atkinson and M^r Georg Jffryes M^r Jeffrys Came sone after

The Howse Is Ajorned for 2 howers

The Hows Mett according to Ajornment exceptin M^r Atkinson

May: 11: The Howse Is Ajorned to to morow 9 of The Clock it beinge y^e 12 Enstant

May: 12: The Howse Mett according to Ajornment Excepting Cap^t Gillman:—

Capt Jn^o Gilmans Muster Rool Examined and Allowed thereon £4,, 13,, 11

Ditto for Soldiers Posted at Mad^m Hillons Garrison both Dated the 23^d June, Examined & Allowed } 4,, 10,, 5

In Relation to the Peticion of M^r Ffrench of Hampton this Day Presented — Ordered That the Select men of the Town of Hampton Repay the S^d Jn^o French two pounds thirteen shillings & 1^d out of their Town Rates, And that His Excellentcy be Desired to Order the Settlement of the Province Bounds.

* Voted That Sam^l Moor be Pay'd twelve shillings out of the Treasury for the Cure of a Wound Rec^d in y^e Province Service in Sloop Speedwell. * 1–5

The Act for Preventing the Shooting Sea Goule out of Boats Canooes floats &c Read and Not allowed —

Voted That the Stores Left in the Commissary's Hands be Compared & Examined p^r his Acco^t of the Port Royall Expedition

The Bills of Credit of This Province haveing such a generall Currentcy

Voted That the five per Cent : formerly allowed on the Paying it into the Treasury be taken of —

Proposed that a Councill House and an Alms House be built and

Voted The Contrary —

Voted That One Thousand pound Prov : Bills now in the Treasury Be Repeated and Continued And that all the Bills of Credit of this Province Pass in all Publiqu Payments without the Advance of five p^r Cent

An Act for Preventing the forging an alltering y^e Bills of Credit of This and the neighbouring Provinces. Passed —

* 1–6 * The Act for Incouragement of Voluntiers against the Indian Rebells Passed.

Voted That for every Indian Man Slayn in the Province Sixty pounds for every Woman thirty pounds and for every minor or Papoose fifteen pounds be Pay'd out of the Treasury.

Haveing Considered the State of the Province and find money enough now in y^e Treasury for Payment of all the Debts of the Province y^t are Allowed of by the Generall Assembly

Voted That His Excellentcy be Desired to Grant Orders for y^e Payment as allowed That the money may not be other way's applyed —

The House is Prorogued to Monday the 14^th Inst. at 12 a Clock —

May 14^th The House Mett according to Prorogation all except Capt Nich^o Gilman & Theophilus Dudley Esq^r

The House sent for by his Excellentcy & Councill. And Signed three Acts. viz^t for Incouragement of Voluntiers; for Preventing Counterfitting Bills of Credit; for Repeating one thousand pounds Bills of Credit

* 1–7 * The House is Adjourned for two Hours —

May 14^th The House mett according to Adjournment all except Dudley & Gilman —

May 14^th Voted That the ffort William and Mary be forthwith Repaired and that the Surveyor thereof Doe not Expend more than two Hundred pounds thereon includeing all manner of Charges as subsistance Materialls & Labour viz^t : three shill pr Diem for every trades Man and two shill pr Diem for every Labourer. And that the Treasurer be Desired to Supply with subsistance therefor —

p^r the Assembly.

Whereas there was an Act pass^t sometime since that all vessells Lyable to Pay Powder Duty should Pay it in Specie ;—

Considering (by the Queens Bounty) there is a Considerable Quantity in the Magazine

May 14th Voted That Every Vessell Lyable to the Duty as pr that Act appears Doe for the time to Come Pay the said Duty in Money at two shill pr tun to the Treasurer for ye use of the Province —

pr the Assembly —

Sent up for Concurrence But not allowed of by the Governr & Councill

* house Adjorned to the 15th 8 of Clock * 1–8

May 15 Mett According to Adjournment present

Mr Speaker Smith	Marston	Hill
Keais	Tilton	Jones
Jaffrey	Atkinson	Rendell
	Wentworth	

Voted That a Committe be appoynted to Revise the Laws of this Province and Drawing up such Others as may be thought proper to present to his Excellentcy at the next siting of ye Generall Assembly.

14th May by Order of the House of Representatives

Voted That Joseph Smith Theodore Attkinson & Geo: Jaffrey be a Committe to Joyne with ye Committe of ye Councill to Revise and Collect a Body of Laws —

The House sent for by his Excellency And prorouged to the twelvth of Sept next

By order of His Excellency the House of Representatives Were ordered to Meet on the 14th June 1711 Att Which time the Honble John Usher Esqr Lt Govr and * Councill sent for the * 1–9 House Att wch time the Whole house Were present Except mr Ez: Wentworth And Recd his honrs Speech With his Excellencys Leter And had Copie of his Excellencys Instructions Read to Us Relateing to the Reduceing Kanady & Newfoundland.

Copy of Governrs Leter

Gentlemen Boston 9th June 1711

I herewith send you Copy of Her Majesties Instructions to my Selfe Refering to the Expedition to Canada which I Desire you to keep Secret yet

You have allso enclosed an Embargo in Obediance to her Majesties Sd Instructions which you must presently publish and acquaint ye ffort & Officers of the Customs with & see it observed

And I Doe further Direct you to call the Assembly the Prorogation notwithstanding to sit on thirsday next and acquaint them with the said Instructions & let them be read in their house — and let them know that the vast forse that is comeing and the whole expedition is in answer to their repeated Addresses and is the last Effort of these Goverments and by the ffavour of God will end in our Security and Establishment and therefore that I Desire and Expect their Unanimous vote

That there be a Number of Men not Exceeding one hundred with Officers raysed for the service of the Expedition —

That the Treasurer provide three months Provisions, Transports & other necessarys for y^e^ s^d^ men that the Assembly will at their next Session take Care for y^e^ Payment of y^e^ Wadges & Subsistance and other Charges of y^e^ said forses —

* 1–10 * These Votes will be chearfully Agreed by the Representatives I Doubt not, thank them and Dismiss them to the Prorogation and Express the Votes to me —

The Whole ffleet Consists of Ten ffrigats and eight Battalions of foot, Cannon, stores, Arms & Cloths for all y^e^ soldiers which will save a great part of y^e^ Charge Maj^r^ Plaisted brings this and will acquaint you any thing Necessary. Let us be Private in y^e^ Affair as Long as we can least it goe to Quebeck or Placentia with my Service to the Speaker and Gentlemen of y^e^ Assembly. I am Gentlemen

Y^or^ Very Humble Serv^t^

J Dudley —

Jun y^e^ 15 The Hows Is Ajorned to to Morow 10 of y^e^ Clock it beinge y^e^ 15^th^ Enstant :

Gentlemen —

Her most gracious majesty haveing sent his Exelency general Francis Nicholson Esqu^re^ with forces for Reducing of Canada and Newfound Land It is Expected that the Goverment in these parts give there redy Assistance by raising of Souldiers to Joyn in Conjunction with y^e^ Queens foreces to whom god grant Success and Victory the Happy fruits of which will tend to y^e^ Safety wealth and Prosperity of these Her Majesties Dominions and Plantations and more Peculier to this Her majesties Goverment that for many years have been Insulted waisted & Consumed by a Crewel Barbarous and Perfidious Enemy.

By his Exelency the Governours Precept you are here called together for raising your Quota of men Providing Transports and Provisions &c : for carrying on the above Expedition.

* 1–11 * Her Majesties Service requireing his Exelency the governo^rs^ Precence : at the Congres Remote from his Goverments

to Consult in this great Designe. / I am therefore come to Expidite matters of so great an Importance. /

Gentlemen —

You Addressd her most gracious majesty in October Last that she would be graciously Pleased to Send Shipps of war and foreces for the Reducing of Quebeck, &c: upon which Address from your Selves and others from our neighboring Goverments Generall Nicholson is now sent as before mentioned whose conduct Courage and Prudence is well Known to us all in the reducing of Port Royall (now Annopolis Royall) Last year which If Pleas god to give him the Same Happy Success in the Reducing of Canada it will be of great Advantage to us and our Posteryties hereafter /

I do not in the Least Doubt of your ready Compliance with the Queens Expectations from you and your Proocedings to be Such as will Demonstrate you Her majesties most Dutifull and Loyall Subjects in your Dispatches. /

Her majestie is at great Expence and charge in this Affaire and hath sent Cloathing, &c: for our Souldiers and many Presants of vallue to our friend Indians the Mawhauks./ &c: —

His Exelencyes the Governours Expectations and Pleasure is that all other Buisness be Laid Aside and only with all Chearfullness to forward so good A Designe for y^e^ Reducing the Common Enemy pursuant to Her majesties Expections and that Care be Taken for mony to be raised at the next Sitting of this Generall Assembly for Paymentt of Souldiers Transports Sailors &c: and for all preasant Expences and charge upon the Said Expedition./

* I shall contribute what I can for Her majesties Service and * 1–12
good of Her majesties Province and hope you will Speedily
Determine what is recomended to you./ John Usher

Copy Gov^rs^ Letter

Gentlemen Boston 11^th^ June 1711

There is a Congress of y^e^ Govern^r^ of Her Maje^ts^ Provinces in Connecticut. I Desire You to Appoynt two Persons one of y^e^ Councill & one Commoner from y^e^ House of Representatives to Attend y^e^ Service of y^e^ Province of N Hampshire to attend me thither and let them be at my House on thirsday y^e^ 14^th^ Inst. and if I be Proseeded to follow me — or Y Humb Serv^t^

To M^r^ Secretary Story to be Communicated to the Councill & House of Representatives sitting —

15 the House Mett According to Adjornment Present the Same As

on the 14 All Except Mr Wentworth — Mr Wentworth came sone after

Mr Secretary Story Shewed us his Excellencys Lettr of ye 11th Inst Relateing to one Member of this House Attending him to Connecticut to the Congress There, and the Day appointed to be at his House being past already and Considering therein He said If he was proceeded they were to follow

We Think it very unlikely if not Impossible for any person to be of Service.

* 1–13 We have his Excellency's Letter and * Your Honrs Speach under Consideration and shall Endeavour the Queens & Province Service therein With all Expedition

1711 June 15 Voted by the House of Representatives

Saml Keis Clericus

May it please yor Honr

We haveing Considered His Excellency's Letter and Yor Honrs Speach In which we find that the Direction is to Raise men not exceeding one Hundred, and in one part of ye Governrs Instructions We observe the Quota of N. England is one thousand men We hum think our Quota of that is not Eighty men But being senceable of ye Great Advantage it may be

Voted That there be Provisions &c with one good ship for a Transport not exceeding one hundred & twenty tonns. for eighty men includeing Officers & Saylors for the Reducing Canada &c. according to his Excellencys Letter. And That the Treasurer be Desired to Procure the Same for three Months time and that a Proclamation for Incouragement of Voluntiers be Issued ; for Payment Whereof We Promise to make Provision at the next Sitting of This House.

1711 June 15th pr Order of ye House of Representatives

Copie Saml Keais Cler

This Vote Not passing the Gov: Councell Another as Copie on other side

* 1–14 * The House Adjorned for two hours

The Whole house Mett According to Adjornment

June ye 15th The Hows Is Ajorned to ye 16th 9 of ye Clock

Jun 16th The Howse Mett according to ye Above Ajornment Excepting Capt Gillman

We haveing Considered His Excellency's Letter and yor Honrs Speach in Which We find that the Directions is to Raise men not exceeding one hundred, and in one part of Her Majests Instructions to his Excellentcy we observe the Quota Demanded from N. England is

one thousand men, We Humbly Conceive that our proportion thereof is not more than Eighty men But being senceable of y^e^ Great advantage the Sucksess of this Expedition may be

Voted That there be Raised Ninty men includeing Officers & Saylors for y^e^ Service of y^e^ ℔sent Expedition for Reducing Canada &c anp that the Treasurer provide a suitable Transport Ship not exceeding one hundred & thirty tunns and three Months provisions and all other necessary's for said Expedition (Improveing the Stores Left in his Custody of y^e^ last years Expedition)

For Payment Whereof We Promise to make Provision at y^e^ Next Sitting of this House

1711 June 16^th^ Passed y^e^ House of Representatives

p^r^ Sam^l^ Keais Cl^r^

* June 16^th^ * 1–15

12 a Clock The House is adjourned to four a Clock in y^e^ afternoon

4: a Clock The House Mett according to Adjournment and all appeared as before — Except Captayn Gilman:

The House is Adjourned to Monday y^e^ 18^th^ Inst. 2 a Clock afternoon

June 18^th^ The House Mett all except M^r^ Atkinson Maj^r^ Smith & M^r^ Wentworth M^r^ Atkinson Came son after and allsoe Major Smith and M^r^ Wentworth

The L^t^ Gov: sent for the House and Informed them of A leter Which Was Read to the house that he Expected one hundred Men —

Ajorned by the Speaker Untill four of Clock

Jun 18 The Howse Mett according to y^e^ Above Ajornmen^t^ Exceptine Cap^t^ gillman:

The House Is Ajorned to tomorow 10 of The Clock: it being y^e^ 19^th^ Enstant —

Jun 19 The Howse Mett Excepting Atkinson: gillman Jeffrys Major: Smith and Cap^t^ Hill and Randell: M^r^ Atkinson and M^r^ Randall Came somtime After: —

The Howse is Ajorned for 2 howers

The Hows Mett Excepting M^r^ Jeffreys gilman: dudly M^r^ Jefrys Cam somtime after: —

* June 19^th^ The House Adjourned to the 20^th^ Inst ten a Clock — * 1–16

June 20 The Hows Mett according To Ajornment Exceptin Cap^t^ gillman Major Smith: M^r^ Jeffrys: and He Cam sone after

The House Adjourned to two of the Clock afternoon

The Howse Mett Excepting smith: Jeffryes gillman Mr Jeffrys Came sone after

May it Please Yor Honr

We have waited Long in Expectation of Receiveing an Answer from his Excellency to our Vote of ye 16th Inst. for Raiseing & Subsisting Ninty men includeing officers & Saylrs. In Hopes that his Excellentcy would accept of said Vote But seing the express is Returned and no Answer to Our said Vote And Considering the Quota expected vizt One Hundred Men Includeing Officers &c with three months Provisions as pr our said Vote Exprest May Advance the Service of ye Expedition

Voted That there be Aded ten men with subsistance &c to the Ninty voted for ut Supra

20th June pr Order of ye House of Representatives

Saml Keais Clerks

* 1–17 * June 20th The House is Prorogued to the 12th of Septembr next —

Memorandum That one ye 3d of July 1711 Major Smith Ephermy Mastons Mr Daniell Tilton had ther Debentors for all Their servis one ye Assembly from october ye 23 1710 to June ye 20th 1711: smith 29 days Maston 32 days Tillton 27 days: allsoe Capt Hill and Mr wentworth and steven Jones had thayr debentues at sam time as above

July 6th 1711 By An order from his Excellency Joseph Dudley Esqr The Assembly Was Called then present Mr Speaker Hill Wentworth Rendell Keais Tilton Marston Atkinson Smith Jeffrey

Copie of the Gov: Leter

Sr your subsistence for your hundred men Must be for 126 Dayes besides their subsistence on Shoar before their Departure Equal to the Massachusets And the Agremt of the Congress of the Governr

Boston July 2d 1711 Your Servt J Dudley

To Mr Secretary Story to be Comunicated

lett the Assembly Sitt one Day Upon this Article of Victuals, And I Desire the Wages of men And Hyre of Ships to be As In the Massachusets

* 1–18 * 1711 July 6th Wheras there was a Vote of this House of ye 16th & 20th Ultio for Provideing Provisions &c for Subsisting one hundred men three Months But fearing that not sufficiant Voted That in Lieu of ye three months Provisions there be provided One hundred & twenty six Days provissions for one hundred Men

and that the Transport Vessels be allowed Eight shillings a Tun ℔ month

July 6th Passed y^e House of Representatives Sam^l Keais Cl^er

Considering there was Large Incouragement Offered by this House to Volunteers that would inlist for y^e Service of the Expedition to Canada and None Appearing thereon and that those Impress^d for the S^d Service have had Large Incouragem^t from their Cap^ts & Neighb^rs w^th with y^e Que'ns Bounty & Stated Pay we think Sufficiant.

Voted That there be Nothing Ad'ed to the Pay of Officers or Soldiers.

July 6th p m Pass^d y^e House Sam^l Keais Cler^s

The House sent for by the Councill And prorouged Untill the 12th of Sep^t According to the former prorogation

* July 22^d These of y^e House Mett by vertue of An express * 1-19 from his Excellency to M^r Story: vid: speacker M^r Wentworth Cap Hill Major Smith M^r Tilton Mastines y^e Clark: Mas^r Jeffries:

Voted That an Address of Thanks be sent to Her Majesty as ffollows: —

To the Queens most Exelency majesty

The Humble Address of the governour Councell and Assembly of your majestys Province of new hampshire in New england. convend in generall Assembly y^e 22^d of: July: 1711 —

We Crave Leave humbly to prosterate our Selves at your Majestys Royall feet with all Humble and Dutifull Acknowlegements of Highest gratitude for the Expressions of your majestys most compassionate Tender regard to the prosperity of your good Subjects in these your majestys northern Plantations of America throughout the Cource of your majestys glorious reign particularly for the Signall Instance of your majestys Royall favour in the gracious Acceptance of our Late Humble Addresses for obtaining an Expedition to be made for the Reducing of Canada and freeings from those grieviones Oppressions which we have Long Laboured under by the french of that country and the Salvages in their Interests into near neighbourhood to us and that your Majesty hath been Pleased to Command the Service of Such numbers of your skilfull Experienced Officers and Choice Troops with so conciderable a Squadron of your majestys Ships of Warr in this Important Affair and to Commit the conduct thereof to his Exelency^s Brigadier Hill appointed by your majesty commander in Chief and the honourable S^r Hovenden Walker * Admirall * 1-20 of your majestys Squdron who Happily Arrived att Boston on the 24th of June past with as Speedy a Passage as could be Expected and the forces both of the Land and Seapart in good State of

Health the acco[t] of which is Joyfull to us. The Preparations for the Part of this frontier goverment in Obediance to your majestys commands for the Expedition by the Hand of the Hounorable Colon: Nicholson: are carryed on with such Application in raising the Troops of this province and Transports to Joyn your Majestys Squadron are on this Day Perfect and we render our most Humble Thanks to your Sacred majesty for the Cloaths Arms and other Acuterments for war of your Royall Bounty Directed for the Benifit of your Majestys Troops Leived within these your majestys goverment./

May almighty God on whom your majestys Dependance is placed be Graciously pleaced to smile upon this noble Important undertaking and grant Success thereto in Subduing of Canada to your Majestys Obediance it will be a Glorious Aquisition to your Imperial Crown of great Brittain and of unpendable benifit and Advantage to the whole British Empire — may god be also graciously Pleased to precerve your majestys Sacred person Long continue your Life and reign and prosper your majestys just arms every ware for the abaiting of the pride of the great oppressor of Europe and that your majesty may be Instrumentall under god to bring forward a Speedy Happy Lasting Peace is and shall be the Daily fervent prayers of: Madam your majestys Loyall Dutifull and Thankfull Though Destressed Subjects:

July the 22[d] past by the House of Representitives

Sam[ll] Keais Clerk

* 1–21 *Province of New Hampshr } Att a Meeting of the General Assembly held at portsmouth on Monday the 30[th] of July 1711: Pursuant to his Excell[y]

July 30[th] the Governours Letter Dated Boston the 27[th] July 1711: Directed to M[r] Secretary Story to be Comunicated

present —

The Howse Mett Exceptinge Theophi: Dudley James Rendell & Stephen Jones

M[r] Secretary Story Brought The leter from his Excellency of the 27[th] Ins[t] to be Comunicated Viz:

Copia

Gentlemen Boston July 27[th] 1711

We have the News from the french Prize Lately brought in to this Place y[t] there is a great fleet from france Likely to make theire Impression upon this Coast and they may as Easily Look into your river as any other place — I have had concideration of your Posture & Judge it necessary y[t] the fort be Strengthend with fourty men and

y^e^ half of y^e^ milittia Drawn up and made ready for a march from Hampton Exeter & Dover to y^e^ Bank & Newcastle at a minuits warning & Desire you to send for major Smith : and agree the matter to be made ready if you have any thing elce or farther to offer : I desire you to write by the Post or Express as you see meet : and to come in at the first sight of any fleet to give you notice I allow you to see the Assembly and Acequaint them with this Letter to make provision for the accordingly I am your Humble Servant

J Dudley

To the gentlemen of her majesties councell Newhampshire

*Voted in Councell * 1–22

That Pursuant to His Exelencys the Governours Letter Dated the 27^th^ Currant Advising the Danger of the french fleet Designed to visitt this Court that there Majestys fort W^m^ and Mary with so many souldiers as those already Detached for that Service Shall make the number of fourty to be raised out of the Severall companys of militia in this Province in Equall proportion and that a Spy boat or Two be Kept out a Crucing at sea between Cape Ann and richmonds Island to Discover and give notice of the Approach of any fleet or Shipps to the number of five and that the Treasurer be forthwith Directed to provide nessesary Subsistance which by Virtue of this Vote we promise in Due season to Ennable him to do as well as to pay the other Charges Arrising Hereby.

30^th^ July 1711 past by the Councell Cha : Story Secretary

Past by the House of Representatives Sam^ll^ Keais Clerk —

* The house Is Prorouged According to the former prorouga- * 1–23
tion the 12^th^ of September

Sept^r^ 12^th^ 1711 The house met according to Prorogation
℔sent M^r^ Speaker Cap^t^ Hill M^r^ Maston M^r^ Randall Geo Jaffrey & y^e^ Clark w^th^ M^r^ Atkinson

Sept^r^ 12 : The House Adjourned to y^e^ 13^th^ Inst 3 a clock afternoon

Sept^r^ 13^th^ Mett according to adjournment ℔sent

M^r^ Speaker	Theo : Atkinson
Cap^t^ Hill	Geo : Jaffrey
Ezek^l^ Wentworth	& y^e^ Clark —

Copy of y^e^ Govern^rs^ Letter —

S^r^ I shall either be with you on thirsday next in y^e^ evening or on Tuesday the 18^th^ Inst. if God Please —

I am Y^or^ Hum^le^ Serv^t^ J Dudley

Let y^e^ Assembly be Adjourned to that Day if I come not on thirsday next. —

Boston 10^th^ 7b^r^ To Secretary Story

Sept^r^ 13^th^ The House Adjourned to y^e^ 14^th^ Inst. 9 a Clock in y^e^ morning.

* 1–24 * 1711 Sept^r^ 14^th^ The House Mett ℘sent

M^r^ Speaker	Theod^r^ Atkinson
Ezek^l^ Wentworth	James Rendall
Nath^l^ Hill	Geo : Jaffrey
Dan^l^ Tilton	& y^e^ Clark —

Sent for by His Excellency who made y^e^ following Speach viz^t^

Copia

Gentlemen Septemb^r^ 14^th^ 1711

Since I saw you in may Last her Majesties ffleet & forses have happily arrived and ben joyned with y^e^ forses of this and the Other Provinces in Obediance to Her Majesties Command, and are proceeded towards Quebeck and Other places in Possession of y^e^ Enemy and from whom we hope by the ffavour of Almighty God to Receive a Good Account of their proceedings and sucksess

That which Imports us is so far to be ready for their Return as to make provission for the just Payment of y^e^ Subsistance & Wadges Due to our Quota, and that you may Enable the Treasury I have Directed y^e^ Treasurer to lay before you an Estimate of y^e^ Charge, which thô it cannot be exact will well enough put y^e^ Representatives into the just Consideration of w^t^ is necessary and which I have no Doubt you will now provide for.

I have bin a little more early this Session than Usuall that the Treasurer may be ready for the Return of your forses and that y^e^ Soldiers may not be Oblidged to make any long attendance for their payment which will increase y^e^ Charge

* 1–25 The Expedition of a ffrench ffleet upon the Coast * this Summer Oblidged me to Strengthen the ffort With forty men the one halfe whereof I have lately Discharged, and shall soon reduce the rest to Your winter Posture —

The Ordinary Impost & Excise is near Expireing and may be a Loss to the Revenue if it be not at this time Revived as is usuall —

I shall be Glad of Your good Agreement in every thing and shall not be wanting in any thing in my power to put forward Her Majesties Service and the Benefitt of all Her Good Subjects Depending upon this Government. J Dudley

Ajorned for Two hours

Sept^{r} 14th mett ꝑsent

M^{r} Speaker	Dan^{l} Tilton
M^{r} Atkinson	Eph^{ra} Maston
Maj^{r} Smith	James Randall
Cap^{t} Hill	Geo : Jaffrey
M^{r} Wentworth	the Clark

Copy of y^{e} Memorial of Theodore Atkinson Esq^{r} —

May it Please y^{or} Excellency —

According to y^{or} Excellency's Directions I have Caused a House to be built for Covering the Carriages &c. at Her Maj^{ts} ffort W^{m} & Mary. And with the Mast^{r} Carpenter viewed What other things were Necessary to be Done there. We found the Platforms Defective in Many places which for the present are mended but in a Little time must be new planked. We find the Carriages of y^{e} Gunns very Rotton ; The Powder house will want * Caseing * 1–26 before the Snow Which with some Other Repairs is Humbly Observed as Absolutely Necessary to be Repaired forthwith Y^{or} Excellys Humb & Obediant Servant Theo : Atkinson

Read at the Councill Board.

Upon the Representation abovesaid Ordered That Jn^{o} Plaisted & Marke Hunkings Esq^{rs} be a Committe to joyn with two of y^{e} Committe of the House of Representatives forthwith to Repair to Her Majesties ffort W^{m} & Mary, and make Report of what the Charge of such Repairations in the Representation Mentioned will Amount to.

Cha : Story Secretary

Voted That M^{r} James Rendall and Geo : Jaffrey be of the Committe for this House to Joyne with the Committee for the Above Service

Sam^{l} Keais Clericus

Sep^{tr} 14th The House Adjourned to y^{e} 15th Inst 8 a Clock in y^{e} morning.

Sep^{t} 15th Hows Mett Acording To y^{e} Above preyrogation Exceptinge M^{r} Jones Dudley : and Cap^{t} gillman Cap^{t} gillman Came sone after :

Copy of y^{e} Committe's Return

Prov : N : Hampsh^{r}

Pursuant to the within Vote We have bin at Her Maj^{ts} Fort W^{m} & Mary & Viewed the Carriages &c and ffind twenty two Wheals

Rotton one Carriage p^t^ and all the Axelloes ; We are of opinion that it is Necessary to have y^e^ Powder house Clapborded. The Charges of Renewing y^e^ Carriages & of all other Repairs may am^o^ to fifty pounds Humb^e^ submitted ℔

Jn^o^ Plaisted
Mark Hunking
Geo : Jaffrey
James Rendell

* 1–27 * Sept^r^ 15^th^ 1711 Read in Councill and the Return of y^e^ Committe is Allowed and Approved of. And the said Committe is appoynted to take Care and proceed in the Repairs of y^e^ Severall Articles so as to be finished by March next and the Treasurer Supply the Charges Thereof — Cha : Story Secretary

Consented to by the House of Representatives

Sam^l^ Keias Clark —

Sep^t^ 15 The House Adjourned to the 17^th^ Inst Nine a Clock in y^e^ morning —

Sep^t^ 16 The house mett according to Adjorment Excepting Atkinson Smith Jeffrys Dudley and he Came sone after —
The house adjorned for two hours
Mett according to Adjornment & all ℔sent —

May it pleas your Hono^rs^

We have Perused and concidered his Exelencys Speach / we find by our votes that we promised to Reimburst the Treasurer for Sundrys which according to his Estimate we think to be about eight Hundred pounds and the other claims from M^r^ Tresurer and other people that may have Just Demands Due being yet to us Uncertain./ Voted — That the Thousand pounds coming into the Treasury in Decemb^r^ next be repeated for the payment of Such promises and Debts as shall be allowed by the com^tee^ & Approved of by the
* 1–28 Generall Assembly and the rest of Debts So allowed * We promis to make provision for payment of Att our next Sessoin at which time we hope care may be taken for the comitte to make there return./

Sep^r^ 17^th^ 1711 Sent for by the Upper House and Prorouged to thirsday the 18^th^ of Octob^r^ next, 10 a Clock in y^e^ morning —

Octob^r^ 8^th^ By an Order from his Excellency y^e^ Govern^r^ the House met ℔sent

M^r^ Speaker	M^r^ Tilton	M^r^ Marston
M^r^ Atkinson	Cap^t^ Hill	Geo : Jaffrey
M^r^ Wentworth	Cap^t^ Dudley	& y^e^ Clarke.
Cap^t^ Gilman	M^r^ Rendall	

Sent for by the Councill who gave the ffollowing Speach from y^e^ Govern^r^ viz^t^

Copy of y^e^ Govern^rs^ Speach } Gentlemen

The great Hurry of Affairs Refering to y^e^ forces in y^e^ Late Expedition and the Disposition of Affairs of Her Majesties forces Depending thereupon will not admitt of my Seeing of you at this time, And the * Expiration of y^e^ Act for y^e^ Excise & Impost * 1–29 being within a few days and y^e^ forces Returning and justly expecting their Payment has moved me to Direct your Session at this time.

I suppose there can be no Doubt of y^e^ Continuance of y^e^ Act of the Excise and Impost which is allways a branch of y^e^ Revenue in all her Majesties Dominions and Plantations and we have much more need of it at this time of So great Expences than at any time heretofore.

And if there be any other Act can be brought in to Save y^e^ Land tax I Shall be allways ready to Doe my Duty to Her Majesty's Revenue and Justice to y^e^ Province for y^e^ Payment of their Debts.

I must Desire you to Enable y^e^ Treasury by repeating and further Impressing so many Bills if you Chuse that way as will Pay y^e^ Province Debts which must be done by an Act granting so much as is so raised to Her Majesty for a fund for the same Least we Disparage Our Bills so as they should Loose their Currency and the Governm^t^ their Credit

I Pray You to Pass thrô these articles in two or three Day's and I have then Directed a further prorogation to be then Declared.

Read Octob^r^ the 8^th^ 1711. J Dudley

The House Adjourned to 9 a Clock y^e^ 9^th^ Instant.

Octob^r^ 6^th^ Met according to Adjournment ℔sent

M^r^ Speaker	M^r^ Wentworth	Cap^t^ Gilman
Cap^t^ Dudley	M^r^ Atkinson	Geo : Jaffrey
M^r^ Rendall	Eph^ra^ Maston	Sam^l^ Keis —
M^r^ Tilton	Cap^t^ Hill	

* 1711 Octob^r^ 9^th^ Considering the Season of y^e^ Year is so * 1–30 ar advanced as that an Invasion from the ffrench may not probably be expected this ffall

Voted that his Excellency y^e^ Gov^r^ be Desired forthwith to Reduce y^e^ Number of soldiers at Fort William & Mary to the Winter posture according to his Excellency's Speach of y^e^ 19^th^ Sept^r^ 1711

Copia Sam^ll^ Keais Cler

Oct^r^ 9^th^ Past y^e^ House —

The House Is Adjorned for two howers

The House Mett According to Adjornm^{t} All present As in the Morning —

Voted that two thousand pounds In Bills of C^{r} be Impressd And Signed by the Comitte : And Applyed for payment of such D^{ts} As shall be Allowed by the Comitte for Auditing the province D^{ts} &c : And Approved of by the Gen^{ll} Assembly ; and that A Comitte be Appointed for Drawing An Act Accordingly

Copie Sam^{ll} Keais Cler :

Oct y^{e} 9/1711 past the house

Voted that the Act for Excise within this Province be Continued for one year from the expiration of y^{e} former Act

Oob^{r} 9th 1711 ctPast y^{e} House

* 1–31 * The Return from the Councill As A Comitte for Drawing the Act for Impresing two thous^{d} pounds &c

John Plaisted } of the Councell
Cha : Storey } Cha : Story Sec.
Theo : Atkinson } of the Representatives
Copia Geo : Jaffrey } Sam^{ll} Keais Cler :

octo^{r} 9th The Howse Is Ajorned to tomorow it beinge y^{e} 10 Enstant all to Met at 10 of y^{e} Clock

Octob^{r} 10th Met accordingly — ℔ sent

M^{r} Speaker	Dan^{l} Tilton	Geo : Jaffrey
M^{r} Atkinson	Ez^{e} Wentworth	Sam^{l} Keis.
M^{r} Dudley	Cap^{t} Hill	

Memorandum Cap^{t} Gilman & M^{r} Ephr^{a} Maston absented themselves without Leave.

Voted That M^{r} Speaker & Geo : Jaffrey be a Committe to Joyne with some of the Councell to view what stores &c is Returned from the late Expedition and to Dispose of Such of them as they think most for y^{e} Province advantage and the rest to be housed in y^{e} Maggazein

Oct^{r} 10th Past y^{e} house

* 1–32 * Octob^{r} 10th Sent for by y^{e} Councill and Prorogued to thirsday y^{e} 15th of Novemb^{r} 1711

Octob^{r} 30th The House Mett p^{r} an order from His Excellcy y^{e} Govern^{r} : ℔ sent

M^{r} Speaker	Dan^{l} Tilton	James Rendle
M^{r} Atkinson	Esekel Wentworth	Geo : Jaffrey
Maj^{r} Smith	Eph^{r} Marston	Sam^{l} Keis

Voted That there be An Address from this house to the Queens Most Excellent Majesty that An Expedetion be brought on for the

Reducing Kanada the next spring. And that Geo: Jaffrey and Theo: Atkinson be A Comitte to Joyne With Two of the Councell to Draw up s[d] Address And that the Speaker Signe In behalf of the house —

Past the house of Representatives 30[th] Oct 1711

Copia Sam[ll] Keais Cler

The house by order of the Gov Delivered by M[r] Secretary Prorouged untill the 15 of Novem[r]

* 1711 Novemb[r] 15[th] The House Mett according to Prorogation ℔ sent * 1–33

M[r] Speaker — Capt Hill
Geo: Jaffrey — Sam[l] Keis —

Adjourned to y[e] 21[st] Inst. 2 a Clock in y[e] afternoon

Nov[r] y[e] 21[th] The house mett according to adjournment & present

Speaker — Capt Hill — Dan[ll] Tilton
Geo: Jaffry — Eph[a] Mastyn — Sam[ll] Keis —

Adjorned to y[e] 22[th] Inst 2 a Clock In y[e] afternoon —

Novemb[r] 22[d] The House mett according to Ajorment and present.

Speaker — Capt Hill — M[r] Randal
Geo: Jaffry — Eph[a] Mastin — Sam[l] Keais —

Adjo[d] to thirsday — y[e] 29[th] Inst at 2 of the clock in y[e] afternoon

* Novemb[r] 29[th] Met according to Adjournment ℔ sent * 1–34

M[r] Speaker — Geo: Jaffrey
Capt Hill — Sam[l] Keis

Adjourned to y[e] thirsday y[e] 6[th] of Dec[r]

Dcb[r] y[e] 6[th] The house mett according to Adjournment ℔ sent

Y[e] Speaker — Maj[r] Smith — Capt[t] Dudley
M[r] Atkinson — Dan[l] Tilton — James Rendal
M[r] Geo: Jeffry — Eph[a] Mastyn — Sam[ll] Keis —
Capt[t] Hill

The house by order of his Excellency delivered by m[r] Secretary Story, Is Prorogued till Wensday y[e] 6[th] of ffeb[y] —

Feb[y] y[e] 6[th] The house met according to Prorogation & present

y[e] Speaker — Dan[ll] Tilton — Sam[ll] Keis
M[r] Atkinson — Eph[a] Mastyn — Capt Nathanel Hill
M[r] Jeffry — M[r] Dudley — M[r] Steaven Jons

Adjourned till Thirsday y[s] 7[th] Inst[t] att two Clock In y[e] afternoon —

* 1–35 * Feb^{y} 7th The house met according to adjournment ℔sent

y^{e} Speaker	M^{r} Atkinson	M^{r} Jones
Geo: Jeffry	Dan^{ll} Tilton	Sam^{ll} Keis —
M^{r} Dudley	Cap^{tt} Hill	

Adjorned to Thirsday y^{e} 14th Ins^{tt} att two aClock In y^{e} afternoon

Feb^{y} y^{e} 14th The house mett according to adjournment & Present

y^{e} Speaker	Cap^{tt} Hill
M^{r} Atkinson	Sam^{ll} Keis —

The house by order of his Excellency d^{d} by M^{r} Secretary Story Is Prorogued till tusday y^{e} 25th March, till two of the Clock In y^{e} afternoon —

March 25th The House mett according to Prorogation plan —

M^{r} Speaker	Cap^{t} Hill	Geo: Jaffrey
Theod^{r} Atkinson Esq^{r}	M^{r} Rendall	Sam^{l} Keis —

Copy of y^{e} Govern^{rs} Letter Boston 17th March $17^{11}/_{12}$ —

I Doe hereby Prorouge the Generall assembly of Her Maj^{ts} Province of N Hampsh^{r} to Wedensday y^{e} Last of Aprill next: Given under my Hand J Dudley

To M^{r} Sec^{rt} Story

* 1–36 * March 25th The House is Prorogued ℔ the Govern^{s} Order to Wedensday the Last of Aprill next 1712.

March 26th 1712 Memorandum that Cap^{t} Rich^{d} Gerrish m^{r} Geo: Jaffrey and Sam^{l} Keais had theire Debentors from March the 3^{d} $17^{10}/_{11}$ to March y^{e} 26th 1712

Cap^{t} Gerrish	56 days
m^{r} Jaffrey	55 days
Sam^{l} Keais	56 days

April 30th The House mett according to Prorogation ℔sent

M^{r} Speaker	M^{r} Maston	Geo: Jaffrey
Cap^{t} Hill	M^{r} Rendal	M^{r} Keais
	M^{r} Atkinson	

The House adjourned to May y^{e} 1st 2 a Clock

Memorandum That M^{r} Ezekiel Wentworth M^{r} Steph Jones and Cap^{t} Nath^{l} Hill had their Debentors from Octob^{r} 23^{d} 1710 to May 1st 1712. Viz

Cap^{t} Hill	65 days
M^{r} Wentworth	42 Days
M^{r} Jones	18 Days

[The above memorandum has a line drawn through it. — Ed.]

May y^e 1^st 1712 The house mett according to adjournment and — present

the Speaker	James Rendal	M^r Keais
M^r Geo : Jeffry	Cap^tt Hill	M^r Atkinson

* May y^e 2^th 1712 The house is adjourned to may y^e 2^th two a clock — *1–37

May 2^d : Memorandum That Mag^r Joseph Smith Epharim Mastin and Daniel Tilton of Hamton had theire Debentors from octob^r 23^d 1710 to May 1^st 1712. viz^t

Major Smith 25 days
M^r Epharim Mastin 47 Days
M^r Daniel Tilton 39 Days

May 2^d The House Mett according to Adjournment ℔sent

M^r Speaker	M^r Jones	Sam^l Keis
Cap^t Hill	Geo : Jaffrey	M^r Atkinson

The House Adjourned to Monday the 5^th Inst 10 a Clock —

May 5^th The house Mett according to adjournment ℔sent

y^e Speaker	M^r Dudley	M^r Tilton
M^r Jeffry	Mag^r Smith	M^r Keis
M^r Atkinson	M^r Rendal	Cap^tt Gilman
	M^r Mastyn	

The House adjourned for two hours — & Mett. ℔sent

M^r Speaker	Eph^ra Maston	M^r Rendall
M^r Atkinson	Cap^t Gilman	Maj^r Smith
Cap^t Dudley	Cap^t Hill	Geo : Jaffrey
Dan^l Tilton	M^r Jones	Sam^l Keis

* 1712 May 5^th Copy of His Excellency's Speach * 1–38

Gentlemen Portsm^o 5^th May 1712

The Disaster of Her Majesties ffleet and forces the Last Year has as we might Justly expect encouraged y^e Indian Rebells in their Inroads upon us and we must be content early to apply our Selves to an usuall Method of comeing into Strict Garrissons scouting and Marching in the ffrontiers, and to y^e filling places to prevent their Lodging near us.

I have therefore resolved — to Double y^e forces in the province of meine and given orders accordingly Scince my coming hither, and Judge itt nesseseary that there be a party, of this Province of fourty men att least, with proper officers — to march from Kingston to Cochecho — every two or three Days —./ and that half the melitia be drawn out — to Stand ready — for a march where the Enemy Shall

be known to Approach us with any great number — which is to be Expected by an Intelligance from Casco bay — which I shall Communicate to you her majesties fort must be also Enforced — with the Usual Number — for ye Summer Service.

I must also recomend to you the Establishmt of the Impost which was Abated the Last year and is certainly a Surprize to the Goverments att home for that there is Every where a Duty upon Shipping and Trade — for the Support of the publice Charge — in the Ease of the Land Tax which is always heavy upon the Country.

In your ordinary Affairs of the Province I shall Show my Self ready, to do my duty for her majesties Service and the Bennifit of all her majesties good Subjects as I ought./

* 1–39 * A Petition from John Hincks Esqr brought by Mr Secretary Storey Directed to his Excelcy praying that A law Suit Depending between himself & John Cross Might be Stoped —

The Councell Gave there Opinion that the Action Shuld Goe on ; And that If the sd Hincks hath Any thing Due from the Province the Comitte Is to Receve his Claims & make Report thereof As they Doe In other Province Dts

Voted A Concurrence With the Councell In this Matter

Saml Keais Cler

The House adjourned to Tuesday ye 6th Inst 6 a Clock —

May 6th The House Mett ℘sent

Mr Speaker	Capt Gilman	Saml Keis
Capt Dudley	Timo Gerish	Majr Smith
Mr Rendall	Mr Tilton	Theo : Atkinson
Mr Maston	Capt Hill	Step : Jones
	Geo : Jaffrey	

Upon ye Death of Mr Ezekiel Wentworth Capt Timothy Gerrish was chosen a Representative for the Town of Dover, and Saml Penhallow Esqr came wth Mr Secretary Storey and Qualifyed ye Said Capt Timo Gerrish by Administering the Oathes &c Appoynted. And the Sd Capt Timothy Gerrish is Admitted a Member Accordingly —

* 1–40 * Voted That his Excellency be Desired to Give Orders for a Scout of forty men between Kingston & Chochecha with Good Officers to Command them for the Security of Our Frontiers by Order of the house of Representatives May 5th 1712

May 6th The Councell Concured wth this Vote —

The Petition of Saml Foulsom & Elias Philbruck Read in ye house and Agreed wth ye Order of ye Govr & Councill that they be Dis-

charged from y^e^ Payment of any Tax to either of the Towns of Portsm^o^ & Hampton untill the Town Bounds be Settled

Voted That there be twelve Soldiers att Her Majesties Fort at New Castle for the Summer Service (i e) Seven ad'ed to the five now there —

The House Adjourned for two hours

The house mett according to adjournment

Read The Peticion of Nath^l^ Ware Esq^r^ &c of y^e^ ffalls Parish in Hampton, & It is the Opinion of this House that the Peticioners be Referred to y^e^ Generall Town Meeting of y^e^ Town of Hampton.

* May 6^th^ 1712 Voted That for the Incouragement of Trade * 1–41
This Port be free from any Imposition.

℔ Order of the House of Representatives —

The house Adjorned by the Speaker Untill the 7^th^ 9 of Clock

May 7^th^ The House mett. ℔ sent

M^r^ Speaker	M^r^ Tilton	Geo : Jaffrey
Maj^r^ Smith	M^r^ Rendall	Cap^t^ Dudley
Cap^t^ Hill	The. Atkinson Esq^r^	Sam^l^ Keis
M^r^ Jones	Eph^ra^ Maston	Cap^t^ Gilman
	Cap^t^ Tim^o^ Gerrish	

The House Adjourned for two hours —

The House mett & present

y^e^ Speaker	M^r^ Tilton	Geo : Jaffry
Mg^r^ Smith	M^r^ Rendal	Cap^tt^ Dudley
Cap^tt^ Hill	Cap^tt^ Attkinson	Cap^tt^ Gilman
M^r^ Jones	Eph^a^ Maston	Sam^ll^ Keis
	Cap^t^ Tim^o^ Gerrish	

Salathiel Denbo Receiveing a Wound in the Expedition to Canada, Which was Recommended to this House by y^e^ Gov^r^ & Councill for an allowance for Subsistance & Satisfaction.

Voted That there be Pay'd unto y^e^ S^d^ Denbo from y^e^ Treasury Ten pounds, for Subsistance & Satisfaction

May 7^th^ pr Order of y^e^ House

* Adjorned by the Speaker to the 8^th^ Inst nine of Clock * 1–42

May y^e^ 8^th^ The House mett & Present

Y^e^ Speaker	M^r^ Mastyn	M^r^ Tilton
Mag^r^ Smith	M^r^ Jones	M^r^ Keis
Cap^tt^ Dudley	M^r^ Rendal	M^r^ Atkinson
Cap^tt^ Gilman	Tim^o^ Gerrish	Geo : Jaffrey

adjorned for two hours —

Returned According to Adjornm^{t} Present the Whole house

Haveing Perused the Committe's Return in which they Refer the Muster Roles of Coll^{o} Wallace & Cap^{t} Jeffries to the Gen^{l} Assembly which Muster Roles are Allowed. But we find in the Portlige Bills of the Transports Severall Persons that are in the Muster Roles viz^{t} Cap^{t} James Jeffries Sam^{l} Penhallow Aron Ingram Abr^{a} Remmick Abr^{a} Clark Salathiel Denbo. We allow for their Service in the Transports.

Voted To Pay James Jeffries & Sam^{l} Penhallow each five pounds & to y^{e} other four forty shillings each to be aded to their Wadges in y^{e} Muster Roles and is in full for their Service in y^{e} Vessells aforesaid.

May 8th p^{r} Order of y^{e} House

* 1-43 * May 8th 1712 Adjourned by the Speaker to y^{e} 9th Ins^{t} Nine a Clock —

May 9th The House mett ℔sent

M^{r} Speaker	Cap^{t} Hill	Geo : Jaffrey
Maj^{r} Smith	Cap^{t} Dudley	Sam^{l} Keis
M^{r} Maston	M^{r} Jones	Cap^{t} Tim^{o} Gerrish
M^{r} Tilton	Cap^{t} Gilman	M^{r} Atkinson

In Answer to the Peticion from Kingston

Voted That the Town of Kingston be exented from sending a Representative and Paying any part of the Province Charge for the persant Year Provided they assist the Scouts with Pilots at their own Charge when ever Required.

May 9th p^{r} Order of y^{e} House —

Adjourned by y^{e} Speaker for two hour'es —

The House mett all ℔sent except M^{r} Rendall & M^{r} Tilton

Voted That Every Minister of this Province being Caled and Qualifyed by law Shall have A Serv^{t} free from Any Impress

by order of the house of Representatives

Copia Sam^{ll} Keais Cler

Adjorned to the 10th 10 of Clock

* 1-44 * May 10th The House mett ℔sent

M^{r} Speaker	Cap^{t} Tim^{o} Gerrish	Cap^{t} Hill
Cap^{t} Dudley	Geo : Jaffrey	Cap^{t} Gilman
Maj^{r} Smith	M^{r} Maston	Sam^{l} Keis
M^{r} Rendall	M^{r} Jones	The : Atkinson Esq

Voted That there be Pay'd to Ab^{ra} Rymack forty shillings more than is allowed in y^{e} Muster Role it being for Service on board a Transport

May 10th pr Order of ye House —

Voted That Mr Atkinson be Allowed thirty pounds for his service At her Majestys ffort in the Year 1711 Which Is In full of the fifty two pounds he Claimed In his Muster Roll

Copia

Adjorned by the Speaker for Two hours

The House Mett at Time —

May 10th The Committes Return & ye Accots Examined and Allowed. Amo to Two thousand five hundred eighty four pounds ten shill : 2d

* May 10th 1712 Voted That the Claim of Mr Richd Partridge * 1–45 be Referred to the Com'itte for Auditing ye Prov : Accots.

Two Votes sent up Viz :

one to Impower the Select men to Inspect and order the Children of their parrishes As ℔ Vote on file

That All persons Refuseing or Neglecting to Obey the Comand of their Officers In Any Milletary Station be Sent to the fort As ℔ Vote —

The Return of ye Com'itte in May 1711 allowed to Majr Wm Vaughan two hundred pounds provided Collo Partridge makes it Appear to the Generall Assembly that he did not Receive that Sume for or on Accot of ye Sd Majr Vaughan

Voted That on ye Certificate of Collo Wm Partridge that he hath not Recd the aforesaid Sume for Majr Vaughan That the Sd Majr Vaughan Shall be Pay'd Two hundred pounds out of the first Money that Comes into the Treasury after the Debts this Day allowed to be Due are Pay'd.

May 10th pr Ordr of ye House —

* May 10th 1712 The House sent for by the Governr & * 1–46 Councill & Prorouged to thirsday ye 12th of June 1712

May 10th 1712 Memorandum That Capt Nathll Hill Mr Ezekeil Wentworth and Mr Stephen Jones had there Debentors from Octobr 23d 1710 to May 10th 1712 Viz

Capt Hill — 73 days	}
Mr Wentworth — 37 days	
Mr Jones — 25 days	}

May 10th 1712 Memorandum That Capt Theo Dudley and Capt Nicholis Gilman had there Debentors from march the 8th 17 10/ to May 10th 1712

Capt Dudley	36 Days
Capt Gilman	23 Days —

June 12th 1712 The house mett according to Prorougation present

ye Speaker	Capt Hill	Mr Randall
Mr Tilton	Geo : Jaffrey	Saml Keis
	Capt Timo Gerrish	

Adjourned to thirsday ye 19th Inst 2 a Clock p m

* 1–47 * May [June] 19th 1712 The House mett according to Adjournment & Present

ye Speaker	Mr Randall	Mr Tilton
Mr Geo : Jeffry	Captt Hill	Mr Keis —

The house is Prorougʼed by ye Governrs order to Wensday the 16th of July Next 1712 —

July 3d Memorandum Mr Theod Atkinson Esqr had his Debenture for Service Done on the Assembly from febr ye 2d 17ro/11 to June ye 3d 1712 — 55 Days —

July 3d Memorandum that Mr James Randal had his Debenture for Service Done on the Assembly from febr 2d 1710 : 11 to July 3d 1712 43 Days.

July ye 16th 1712 The house Mett according to Prorougation present

ye Speaker	Captt Hill	Timo Gerrish
Mr Geo Jaffry	Captt Gillman	Mr Keis
	Mr Rendal	

Adjourned to thirsday ye 24th Instt 2 a Clock

* 1–48 * July ye 24th 1712 The house mett according to Adjournment & ℘sent

ye Speaker Geo : Jeffry Samll Keis —

The House is Prorouged by ye Governrs order Communicated by mr Secretary Story till Wensday ye 13th Augstt next two of ye Clock —

Augstt ye 13th 1712 The house mett according to Prorougation — & Present

ye Speaker	Geo : Jaffry	Magr Smith
Mr Aatkinson	Mr Rendal	Samll Keis —

Adjourned by ye Speaker to Thirsday ye 14th Instt 2 a Clock

Augst 14th The House mett ℘sent

Mr Speaker	Mr Kies
Mr Atkinson	Geo : Jaffrey

Adjourned by ye Speaker to thirsday the 21st Inst at two of ye Clock

Augstt 21th 1712 The house mett & prsent

ye Speaker	Geo : Jeffry	Samll Keis —
Captt Hill	Mr Atkinson	

* The House is prorouged by ye Governrs order & Communi- * 1–49
cated by mr Secretary Story till wensday the 24th Septer next two of ye Clock —

Septr 24th The House mett ꝑsent

Mr Speaker	Mr Maston	Mr Clark Keis
Capt Dudley	Mr Atkinson	Geo : Jaffrey

The House Adjourned to thirsday ye 25th Inst By ye Speaker at 2 of ye Clock —

25th The House mett ꝑsent

Mr Speaker	Geo : Jaffrey	Saml Keis

Adjourned by ye Speaker to thirsday the 2d of Octobr next Insueing — At 2 of ye Clock

octobr 2d The House mett & present

ye Speaker	Epha Mastyn	Mr Atkinson
Geo : Jeffry	Samll Keis	

Adjourned by ye Speaker to thirsday the 9th of Octobr next att 2 of ye Clock

* 1712 Octobr 9th The House mett According to Adjourn- * 1–50
ment ꝑsent

Mr Speaker	Ephra Mastin	Danl Tilton
The : Atkinson	James Randall	Geo : Jaffrey
Theo : Dudley	Nathl Hill	Saml Keis

Gentlemen 9th October 1712.

I am Glad to meat You after so Difficult a summer wherein we have had so many Inroads of ye Enemy on all sides by which notwithstanding we have suffered so little Loss. I am senceable of ye great Dilligence of the Officers and faithfull Service of ye scouts and parties at all times abroad for which I Doubt not of yor Care in their Payment as well as to let them know that their Service has bin very Acceptable to ye Government.

I can allso Assure You that we are not forgotten at Home; Her Majesty in her Princely Wisdom and Care for her good subjects in ye Provinces of North America, has brought forward a Peace with ffrance upon such Honourable and Advantagious Articles That will

in all parts of y^e^ world where Brittans dwell Demonstrate Her Majesties Superiour Interest and Power in y^e^ Goverment and Decission of y^e^ Affairs of Europe, which wee are in expectation to Receive and will bring to us the blessings of Peace which Every good man will have y^e^ Joy of. Coll^o^ Rednap Her Majesty's Engineer Lay's before you the Repairs and works at Her Majesties ffort W^m^ & Mary in which I am well assured of his good Husbandry, and think it
* 1-51 best that Your Committe * of those works make their Vissitt there and Report to you with Coll^o^ Rednap what is Remaining necessary to be Done.

M^r^ Tereasurer will give You the present state of Y^or^ Debts and what is necessary.

You will bring forward such affairs of y^e^ Governm^tt^ as are before you in which I shall not be wanting to Doe my Duty to Her Majesty and all Her good Subjects within This Goverment. —

The House Adjourned to y^e^ 10^th^ Ins^tt^ ℔ y^e^ Speaker 9 a Clock in y^e^ morning —

Octob^r^ 10^th^ The House mett ℔sent

M^r^ Speaker	Cap^t^ Gilman	Geo : Jaffrey
The. Atkinson	James Rendall	Sam^l^ Keais
Thop : Dudley	Ephr^a^ Mastin	Cap^t^ Tim^o^ Gerrish
Step. Jones	Dan^l^ Tilton	

Answer to y^e^ Gov^rs^ Speach } May it Please Y^or^ Excellency

Wee are Glad to See Your Excellency Here with y^e^ wellcome news of an Approaching Happy Peace And are Thankfull to y^e^ Officers for their ffaithful and Dilligent Attendance on the Scouts this Summer, and shall take Care for their Payment so soon as their Muster Roles shall be allowed of. Wee are well satisfyed with Coll^o^ Redknaps Acco^t^ of his ffrugally Disposeing of y^e^ money for y^e^ Service of Her Majesties ffort W^m^ & Mary and shall appoynt a Committe of our House to Joyne with that of y^e^ Councill to view y^e^
* 1-52 works and Report what is further necessary * to be Done.

We shall Consider of y^e^ State of y^e^ Province and take Care to Provide Money to Discharge y^e^ Debts. And we shall with all Dilligence forward y^e^ Affairs of the Province That are Depending —

Adjorned by the Speaker for two hours

The House mett and all present as in y^e^ forenoon. —

The House Adjourned by y^e^ Speaker to y^e^ 11^th^ Ins^t^ 9 a Clock.

Oct^{r} 11th The House mett ℔sent

M^{r} Speaker	James Rendall	Cap^{t} Gilman
Maj^{r} Smith	Geo : Jaffrey	Eph^{ra} Mastin
Cap^{t} Hill	M^{r} Jones	Sam^{l} Keais
Cap^{t} Gerrish	Dan^{l} Tilton	Theo : Atkinson
	Cap^{t} Dudley	

The Peticion of Hampton ffalls People in Relation to a Schole Read in y^{e} House and Concured wth y^{e} Order of y^{e} Gov^{r} & Councill to give them an hearing on tuesday next 10 A Clock Ante Meridiem

* Copy of Coll^{o} Partridges Certificate Relateing to 200 Due to Maj^{r} W^{m} Vaughan * 1–53

Oct^{r} 11th 1712 These may Certifye Whom it may Concern that the two hundred pounds allowed to Maj^{r} W^{m} Vaughan of y^{e} Province of New Hampshire aforesaid for agency as Appears by the Committes Return for Auditing the Publique Acco^{ts} in may 1711 was Never Received by me of the Government of the said Province nor Pay'd by me to the said Maj^{r} Vaughan ; as Witness my Hand the thirteenth day of August Anno Domini 1712

W^{m} Partridge

Allowed by y^{e} House —

Upon Consideration of the state of the Province and finding that Considerable summs will be Quickly Due.

Voted That The Thousand pounds that is to be Pay'd into the Treasury in Decemb^{r} next Be Continued And that There be an Impression of five hundred pounds in Bills of Credit by y^{e} 8th of March Next for the Payment of such Debts as shall be Allowed of by y^{e} Comitte for Auditing y^{e} Prov : Acco^{ts} and Allowed of by y^{e} Generall Assembly. —

The House Ajorned to Monday y^{e} 13^{d} Instant : by y^{e} speaker all to Mete at 9 of y^{e} Clock

* 1712 Octob^{r} 13th The House mett ℔sent * 1–54

M^{r} Speaker	Dan^{l} Tilton	Geo : Jaffrey
Theo : Atkinson	Ephr^{a} Mastin	Sam^{l} Kaeis
Cap^{t} Gerrish	M^{r} Rendall	Cap^{t} Dudley
Cap^{t} Hill	M^{r} Jones	Maj^{r} Smith

The House Adjourned p^{r} y^{e} Speaker to 2 a Clock after noon

The House mett & Present ut supra —.

The House Adjourned p^{r} the Speaker to y^{e} 14th Ins^{t} 9 a Clock —

Octob^{r} 14th The House mett ℔sent

M^{r} Speaker	The. Dudley	M^{r} Rendall
Dan^{l} Tilton	Maj^{r} Smith	Geo: Jaffrey
Eph^{ra} Mastin	Cap^{t} Hill	Sam^{l} Keis
Cap^{t} Gerrish	M^{r} Jones	Cap^{t} Gilman

Haveing had Severall Debates in y^{e} House about Impost & Export

Voted That There be no Impost nor Duty on Exportation in y^{e} Province but that it be a ffree Port —

* 1–55 * 1712 Octob^{r} 14th The Peticion of Rich^{d} Sloper Read in the House —

Ordered that Ambross Sloper be notyfied to attend y^{e} House in y^{e} afternoon at three a Clock That an Answer to y^{e} Peticion may be Proceeded on. —

The House Adjourned p^{r} y^{e} Speaker to 2 a Clock —

The House mett ℔sent

M^{r} Speaker	James Rendall	Sam^{l} Kaeis
Dan^{l} Tilton	Cap^{t} Hill	M^{r} Jones
Cap^{t} Gilman	Eph^{ra} Mastin	Maj^{r} Smith
Cap^{t} Gerrish	Cap^{t} Dudley	Theo: Atkinson
	Geo: Jaffrey	

The Peticion of Jn^{o} Cutt & his Guardians for Impowering him (being under age) to Dispose of p^{t} of his Lands for Paying his Debts & Subsistance and Repairing his Houses &c. Read, and Concurred wth y^{e} vote of Gov^{r} & Councill to grant his Requests —

The House Adjourned p^{r} y^{e} Speaker to y^{e} 15th Inst 9 a Clock

15 Oct: the Whole house Mett According to Adjornm^{t}

Upon Consideration of y^{e} petsion of Richard Sloper relateing to his sone Ambros Sloper: and Hearing y^{e} Allegations of both parties

* 1–56 * Octo^{r} 15th 1712 Then Major Joseph Smith M^{r} Ephrimy Mastins and M^{r} Daniel Tilton had their Debentors for Ther servis one y^{e} Asembly: from July y^{e} 13: 1711: to octo^{r} 15 1712:

Tilltom 66 — Mastins 69: days
Major Joseph Smith: — 41: days

Adjorned for two hours

Returned as in the Morning

Octob^{r} 15th The house Sent for by y^{e} Govern^{r} & Councill & Prorug'ed to Wensday the 10th Dcb^{r} next 1712 —

Dcb^{r} 10th The house mett according to Prorogation Present

y^{e} Speaker	Mag^{r} Smith	M^{r} Keis
M^{r} Jeffry	Cap^{tt} Hill	M^{r} Atkinson

The House is Adjourned to the 11th Ins^{tt} two of y^{e} Clock In y^{e} after noon

Dcb^{r} 11th The house mett according to Adjourment present

y^{e} Speaker	M^{r} Tilton	Cap^{tt} Hill
M^{r} Geo : Jeffry	M^{r} Keis	M^{r} Rendal
M^{r} Atkinson	Cap^{t} Gilman	M^{r} Mastyn
	Mag^{r} Smith	

The house is adjourned to thirsday y^{e} 18th Ins^{tt} two a Clock In y^{e} afternoon * 1–57

* 1712 Dec^{r} 18th The House mett ℘sent

M^{r} Speaker	Cap^{t} Hill	Geo : Jaffrey
M^{r} Atkinson	Cap^{t} Gerrish	Sam^{l} Keis —
	M^{r} Mastin	

A Proclamation for y^{e} ascertaining the currency of silver money. Past.

p^{r} Order of y^{e} Govern^{r} The House is Prorouged to Wensday y^{e} 11th ffeb^{r} next. —

Memorandum y^{t} Cap^{t} Nathanel Hill and M^{r} Steaven Jons has reseavd Their Debentors for servis Done one y^{e} Asembley : from May 10th 1712 : to Desem^{r} y^{e} 18th 1712 : Cap^{t} Timothy gerish had his Debenter for his serves one y^{e} Asembly from may y^{e} 6 1712 to Desembr 18th 1712

Hill 27 days M^{r} Jones : 09 days Timoty geri^{h} 25 days Desember y^{e} 18th 1712

1712 ffeb^{r} 11th The House mett According to Prorogation ℘sent

M^{r} Speaker	Geo : Jaffrey	Cap^{t} Hill
The : Atkinson Esq^{r}	Sam^{l} Keis	M^{r} Jones
	Ephraim Mastyn	

p^{r} Order of y^{e} Govern^{r} of y^{e} 8th ffeb^{r} The House is Prorogued to y^{e} 18th of March next Insueing

17^{12}/ March 18th The House Mett according to Prorogation ℘sent

M^{r} Speaker	Geo : Jaffrey	M^{r} Atkinson
Cap^{t} Hill	Sam^{l} Keis	

Adjourned by the Speaker to y^{e} 19th Inst.

* 1–58 * March 19th The House mett ℔sent

Mr Speaker	Saml Keis
Geo : Jaffrey	Mr Atkinson

pr Order of his Excellency ye Governr The House is Prorogued to Wendsday ye 15th Apl next.

March ye 19th 17$^{12}/_{13}$ Memorandum That Capt Richard Gerrish Mr georg Jeffryes and Samuell Keais had their Debentors from ye 26th of March 1712 To March ye 19th 17$^{12}/_{13}$

Capt gerish 44 day
Mr georg Jeffry 44
Saml Keais 44

Aprill 15th The house mett according to Prorogation & Present

ye Speaker	Samll Keis	Geo : Jaffrey
Captt Hill	James Rendall	Theo : Atkinson

The house is Adjourned, to ye 17th Instt att two of ye clock In ye afternoon —

Aprill 17th The house mett according to Adjourment ℔sent

ye Speaker	Geo : Jaffrey	Mr Atkinson
Captt Hill	Samll Keis	

The house is adjourned to thirsday ye 23d Instt att two of ye Clock —

* 1–59 * Apl 23d The House mett ℔sent

Mr Speaker	Capt Hill	Geo : Jaffrey
Theo : Atkinson Esqr	Majr Smith	Saml Keis

Copy of a Lettr from ye Governr

Gentlemen Boston 20th Apl 1713

Mr Secretary Storey by this Post acquaints me of ye adjournment of ye assembly to thirsday ye 13th Inst. The Last Session of ye assembly Left a Committe standing to Adjust ye Province Debts which I Presume have accordingly proceeded and if these Accots be past thrô I then Direct the assembly to sett thirsday and fryday if need be to agree and Pass the Return of ye said Committe by ye Representatives and ye Councill if it can be then finished and from fryday Evening

I Do Hereby prorogue ye Generall Assembly to Wedsday the 13th of May next. Given under my Hand

J Dudley

Communicate this Lett^{r} to y^{e} Representatives It will be very pleaseing to me that y^{e} Debts of y^{e} Prov: be adjusted that we may know what we owe that a Happy Peace may make us Easey —

To M^{r} Sec^{r} Storey —

The House Adjourned by y^{e} Speaker to fryday y^{e} 24th Inst — 11 a Clock —

Apr^{l} 24th The house mett according to adjournment and Present

y^{e} Speaker	M^{r} Jaffrey	Dan^{ll} Tilton
M^{r} Atkinson	Maj^{r} Smith	Sam^{ll} Keis —
	Cap^{tt} Gilman	

p^{r} order of y^{e} Govern^{r} the house Prorogued to Wensday y^{e} 13th of May next —

* 1713 May 8th The House Mett ℔ Order of y^{e} Govern^{r} * 1–60
℔sent

M^{r} Speaker	Cap^{t} Tim^{o} Gerrish	Cap^{t} Gilman
Maj^{r} Smith	M^{r} Atkinson	Geo: Jaffrey
Cap^{t} Hill	Eph^{ra} Maston	Sam^{l} Keis —
	Dan^{l} Tilton	

Copy of y^{e} Govern^{rs} Lett^{r}

Gentlemen Boston May 4th 1713

I some time since Directed y^{e} Assembly of y^{e} Prov: of N. Hampsh^{r} to meet to Pass y^{e} Acco^{ts} of y^{e} Debt of y^{e} Prov: prepare'd by their Committe which being not yet done I Do again allow them to sit a fryday y^{e} Eighth Inst. to Doe and pas thrô that affayr in fryday and Satturday y^{e} Prorogation notwithstanding that at my Comeing y^{e} Week after I may have the Less Interruption in y^{e} Generall affairs of y^{e} Peace with y^{e} Indians which I hope may Come forward and Accordingly with Your Agreement M^{r} Secretary May Summon the Assembly upon y^{e} said fryday next and after Passing y^{e} Accounts y^{e} Prorogation Lately Directed to Continue. I am

Y^{or} Humb^{l} Servant J Dudley

To y^{e} Gentlemen Her Majes^{ts} Councill in N Hampsh^{r} —

The House adjourned by y^{e} Speaker to y^{e} 9th Inst Eight a Clock in y^{e} morning —

9th May Mett According to Adjornm^{t} present all As Yesterday The Comitte for Examining the province Claimes
* Made there Return of The Province D^{ts} In which they * 1–61
Refer two Muster Rolls N^{o} (15) & (17) to the Assembly

Which two Muster Rolls Is not Allowed by the Assembly

Capt Timo Gerrish Muster Roll Allowd five pounds sixteen shillings & 8d —

The Return of the Comitte Is Approved by the Representatives with the Addition of the Aforsd sum to Capt Timo: Gerrish of £5: 16: 8 And Voted to be sent to the Councell being in N° 44 Accots And Musterrolls Amounting to the sum of Comittes Return

	£1111: 15: —
Gerrish	5: 16: 8
	£1117: 11: 8

Mr Geo: Jaffrey Chosen Cler: protempore Coll Vaughans Muster Roll not all Allowed Untill he Give the Names of six men he puts in the last of his Roll Suma Six pound As Noted by the Comitte N° (22) The house prorouged by the Secretary Untill the 18 of June Next

* 1–62 * 1713 June ye 18° The House mett according to Prorogation and Present

Speaker	Capt Hill	Mr Jaffrey
Mr Jones	Capt Gerrish	Mr Keas
	Ephra Mastyn	

The House is adjourn'd till Thursday ye 25° Inst

June ye 25 The House mett according to Prorogation and Present

Mr Speaker	Ephra Mastyn	Mr Jones
Mr Jaffrey	Mr Keas	Theo: Atkinson
Mr Rendall	Capt Hill	

℔ order of his Excellency ye House Prorogd to Wensday ye 8 July next.

July ye 8° The House mett according to Prorogation and Present

Mr Speaker	Mr Keis	Mr Atkinson
Mr Rendall	Ephra Mastines	

The House is Adjourn'd till Thursday ye 9° Inst

July ye 9 The House mett according to Adjournment and Present

Mr Speaker	Capt Hill	Mr Keies
Mr Jones	Mr Rendall	Mr Atkinson

The House is adjourn'd to Fryday ye 10 Inst

* 1–63 * July 10th The House mett according to Adjournment and Present

Mr Speaker	Capt Hill
Mr Jones	Mr Keis

The House is adjourn'd to Monday ye 13th Inst

July ye 13 The House mett according to Adjournment and Present

M[r] Speaker	M[r] Rendall	M[r] Keis
M[r] Jaffrey	M[r] Mastin	Mag[r] Smith
M[r] Jones	M[r] Tillton	M[r] Atkinson
	Cap[t] Gilman	

The House is adjourned for 2 hours — Mett Accordingly —

Copy of y[e] Govern[rs] Speach

Gentilmen July y[e] 13° 1713

I have delayed your comeing togeather, Untill I might have y[e] honour and Satisfaction to give you the News of a happy and well Established peace, brought to pass by Her Majesties wise Councill, and prosperous Arms, of w[ch] we have already y[e] Assurance, and daily Expect Her Majesties Comands to Make it publick.

And in pursueance thereof, I have now attending me Several of y[e] Indian Sachems & Deligates making their own Submission and praying to be restored to Her Majesties ffavour, and y[e] ffriend-Ship of Her Majesties Goverment of these provinces, the Issue of their Attendance I Shall Communicate to you.

Sometime Since there was a Committee of y[e] Council, and Representatives to revise the Laws of y[e] Province now in fforce, * and to make a fair Copy of them, and to offer Such other * 1–64 Laws . . . . . as might be necessary in order to there being humbly Submitted to Her Majestie and the Review & Reforme of y[e] Right Honourable y[e] Lords of the Council of Trade and plantations, I disire their report may be now taken and we may proceed therein accordingly. —

I must againe w[th] all Earnestness recommend to you y[e] Revival of the Impost & better Goverment & collection of y[e] Excise there is no Collony or Goverm[t] belonging to y[e] Crown of Great Brittaine y[t] pretends to an open Port or y[t] doe not bring in y[e] Trade or Merchandize of their Provinces to aid the Land Tax for y[e] payment of y[e] heavy Charges of the warr w[ch] is as needfull in this province as any other Her Majesties Goverments y[e] neglect and inequallity whereof will I fear justly offend Her Majestie as well as disturb y[e] other Goverments on y[e] Shoar of America.

I Suppose you will think it a proper time for the assembly most humbly to Address Her Majestie Epon y[e] notice of the Peace, in w[ch] I Shall hartily Joyn w[th] you The Treasurer will give you y[e] State of his office & what is wanting.

whatever is before you for y[e] benefit of y[e] Province and Her Majesties Service I Shall putt forward as is my duty

The House mett according to Adjournment & Present

Mr Speaker	Mr Jones	Mr Thing
Magr Smith	Capt Gilman	Mr Rendall
Mr Jaffrey	Mr Tillton	Mr Keis
Capt Atkinson	Mr Mastyn	

The House is adjourn'd to ye 14 Inst ten a Clock in ye morning —

* 1–65 * July 14th The House mett Psent

Mr Speaker	Capt Gilman	Mr Rendall
Majr Smith	Mr Maston	Mr Atkinson
Capt Hill	Mr Thing	Mr Tilton
Capt Timo Garesh	Mr Jones	Geo : Jaffrey
	Saml Keis	

Mr Saml Thing was Qualified a Member of ye House in ye Room of Theophilus Dudley Esqr of Exiter deceased —

* 1–66 * Voted Theodore Atkinson Esqr & George Jaffrey a Committe to Joyne wth ye Committe of ye Upper House to Draw up a Congratulatory address to ye Queen upon ye News of a Peace —

The House is Adjourned to ye 15th Inst 9 a Clock

July ye 15th The House mett according Adjournment and Present

Mr Speaker	Mr Mastyn	Mr Keis
Magr Smith	Mr Jones	Mr Jeffry
Capt Gilman	Mr Tillton	Capt Hill
Capt Gerrish	Mr Rendall	Mr Atkinson
	Mr Thing	

Upon a Due Consideration of an Act of Impost
Voted That there be no Impost for ye Insueing year
Past by ye House Samll Keis Cr

The House is Adjourn'd for two hours

The House mett according to Adjournment and all Present as in ye morning.

The House is Adjourned to ye 16 Inst 9 a Clock —

July 16th The Hows Mett : acording to Ajornment : Except Capt Hill, and : Mr Georg : Jeffryes : Mr Jeffry Come sone after

Voted That Jno Plaisted Marke Hunking & Jno Wentworth Esqr be a Com'itte for this Province to Joyne wth a Com'itte that shall be Appoynted by ye Generall Assembly of ye Massathusetts to run ye devideing line between the Provinces According to the Royall Charter Granted to the Massathusetts

* 1–67 * The House Is Adjorned for 2 howers

The Howse Met according to Ajorment Excepting Capt Hill and Mr Jeffrys : Mr Jeffry Came sone after

The House is Proroged to Wensday ye 2 of Sept @ 10 Clock in ye morning. —

Memorandum upon the 16th day of July 1713 that Mr Theo Dudley and Capt Nichols Gilman Took out there Debentors from the tenth of may 1712 to the day above Sd

Nicholis Gilman 29 days
Theo Dudly 13 d

May It Please your Excellency. —

Mr Trreasurers Memorial Is before Us by wch Wee find the Province : Is In Dt but In the Same Wee find ometed What goods Wee Left at Anopolis and sundrys In his hands which Wee ought to have : Ct for — Wee have ben Considering Many Ways, to Raise Money for the payment of What Shall be Due In Decembr next but Cannot att present know What the Sum Is ; before which time Wee hope there May be a Way for Raising the money then Due

Voted That the Excise be Continued for one year

* 1713 Septr 2d The House mett according to Prorogation * 1-68 ℘sent

Mr Speaker	Geo : Jaffrey	Mr Atkinson
Majr Smith	Ephra Mastin	Saml Keis

The House is Adjourned to ye 3d Inst 2 a Clock afternoon —

Septr 3th The House mett according to Adjournment — prSant

Mr Speaker	Mr Gaffrey	Mr Atkinson
Magr Smith	Mr Mastin	Samll Keis

The House is adjourn'd to Thursday ye 10 Inst @ 2 a Clock in ye afternoon

Septr 10th The House Mett ℘sent

Mr Speaker	Mr Rendall	Geo : Jaffrey
Theodr Atkinson	Ephra Mastin	Saml Keis

The House is Adjourned to thirsday the 17th Inst

* Septbr 17th The House mett according to Adjournment — * 1-69 prsent

ye Speaker	Captt Hill	Mr Keis
Mr Geo : Jaffrey	Mr Rendal	Mr Atkinson

The house Is by his Excellencys Letter prorouged Untill Wensday the fourteenth of october Next

octob^{r} 14th The house mett according to Prorogation and ℔Sent

y^{e} Speaker	Cap^{tt} Gilman	Sam^{ll} Keis
Geo : Jaffrey	M^{r} Rendal	Atkinson
	Cap^{tt} Hill	

The house is adjorned to thursday y^{e} 15 Ins^{tt} —

octob^{r} 15th The house mett according to adjournment ℔Sent

y^{e} Speaker	Cap^{tt} Hill	Atkinson
Geo : Jaffrey	Sam^{ll} Keis	

The house is adjourned to thursday y^{e} 22th Ins^{tt} —

Oct^{r} 22^{d} The House mett. ℔Sant

M^{r} Speaker	Theod^{r} Atkinson Esq^{r}	Geo : Jaffrey
Cap^{t} Hill	James Rendall	Sam^{l} Keis —
	Eph^{r} Mastin	

p^{r} order of his Excellency the House is Prorouged to Wedensday y^{e} 28th Instant.—

* 1–70 * Octob^{r} 28 The House mett according to Prorogation and ℔sent

y^{e} Speaker	Ephra^{m} Mastyn	Sam^{ll} Keis
Theod^{r} Atkinson Esq^{r}	Nath^{ll} Hill	James Randel

The House is Adjourn'd to Tuesday y^{e} 4 Novb^{r}

nob^{r} 4^{d} The house mett according to adjourment ℔sent

y^{e} Speaker	M^{r} Geo : Jaffrey	M^{r} Sam^{l} Keis —
Theod^{r} Atkinson Esq^{r}	Cap^{t} Nath^{ll} Hill	

The House is Adjourn'd to Wensday y^{e} 11th Ins^{tt} —

Nob^{r} 11th The house mett according to Adjourment ℔^{r}Sent

y^{e} Speaker	M^{r} Geo : Jaffrey
M^{r} Sam^{ll} Keis	Cap^{tt} Hill

The house is adjourned to wensday y^{e} 18th Ins^{tt}

Nob^{r} 18th The house mett according to Adjourment ℔^{r}Sent

y^{e} Speaker	Sam^{ll} Keis —

The house is adjourned to wensday y^{e} 25th Ins^{tt}

Nob^{r} 25th the house mett According to Adjourment ℔^{r}Sent

y^{e} Speaker	Theod^{r} Atkinson Esq^{r}	Sam^{ll} Keis —

The house is Adjourned to wensday y^{e} 2^{d} Desb^{r}

* Dsb^{r} 2^{d} The house mett According to Adjourment * 1–71
P^{r}Sent

y^{e} Speaker — Eph^{a} Mastyn
Theod^{r} Atkinson Esq^{r} — Sam^{ll} Keis —

The house is Adjourned to Wensday y^{e} 9th Ins^{tt} —

Dsb^{r} 9th The house mett according to Adjourment P^{r}Sent

y^{e} Speaker — Eph^{a} Mastyn
Theod^{r} Atkinson Esq^{r} — Sam^{ll} Keis —

The house is adjourned to Wensday y^{e} 16th Ins^{tt} —

Dsb^{r} 16th The house Mett according to Adjourment P^{r}Sent

y^{e} Speaker — M^{r} Geo : Jaffrey
Theod^{r} Atkinson Esq^{r} — Sam^{ll} Keis —

The house is Adjourned to Wensday y^{e} 23^{d} Ins^{tt} —

Dsb^{r} 23^{d} The house mett according to adjourment P^{r}Sent

y^{e} Speaker — Geo : Jaffrey — Sam^{ll} Keis —

The house is adjourned to Wensday y^{e} 30th Ins^{tt} —

* Dsb^{r} 30th The house mett a ccording to Adjourment * 1–72
P^{r}Sent

y^{e} Speaker — M^{r} Geo : Jaffrey — m^{r} Sam^{ll} Keis —

The house Is Adjourned to Wensday y^{e} 6th Jan^{r} next

Memorandum y^{t} Major Joseph : Smith M^{r} Effrime : Mastins and M^{r} Daniell : Tillton : had Ther Debenters : for all ther servis One y^{e} Asembly from octo^{r} y^{e} fiftenth 1712 : To : Desemer y^{e} 25 : 1713 : Smith 27 Tilton –17 Mastins : 44

Jan^{r} 6th The House mett according to Adjournm^{t} P^{r}Sent

y^{e} Speaker — M^{r} Keis
Geo : Jaffrey — Eph^{a} Mastin

The House is Adjourned to Wensday y^{e} 13th Inst —

Jan^{r} 13th The house mett according to adjournm^{tt} P^{r}Sent

y^{e} Speaker — Eph^{r} Mastyn — Sam^{ll} Keis —

The house is adjourned to wensday y^{e} 20th Ins^{tt}

* Jan 20th The House mett according to Adjournment * 1–73
P^{r}sent

y^{e} Speaker — Geo Jaffrey
Theo^{r} Atkinson Esq^{r} — Sam^{ll} Keis

P^{r} order of His Excellency the House is Prorouged to Wedensday the 3 Day of Feb^{r} next

Febr 3 The House mett according to Adjournment ℔rsent

ye Speaker	Samll Keies
Geo : Jaffrey	Captt Hill

Pr order of His Excellency the House is Prorougd Wedensday ye 3 Day of March next

March 3d The House mett ℔sant

ye Speaker	Ephra Mastin	Saml Keis —
Majr Smith	Geo : Jaffrey	

pr Ordr of ye Governr the House is Prorougd to Wensday ye fifth of May —

March ye 3d $17^{13}/_{14}$ Memorandum yt Capt Richard gearish Mr george Jefryes and Samll Keais Had Thayr Debentors : for all Thaier servis one ye : Asembly from ye 19th of March 1712 : To March ye 3d $17^{13}/_{14}$ gerish 65 days Jeffrys — 57 : Keais — 64 —

* 1–74 * 1714, May 5th The House Mett According to Prorougation ℔Sent

Mr Speaker	Capt Gerrish	Mr Mastin
Mr Atkinson	Capt Gilman	Geo : Jaffrey
Majr Smith	Mr Thing	Saml Keis —

Voted That Kings Town be Impowerd and Notifyed to send a Representative to Sett In the Genll Assembly by order of the house

Copie 5 May 1714 Samll Keais Cler

The House Adjourned to 3 a Clock post merd

The House mett Accordingly —

Copie of the Governrs Speach

Council Chamber at Portsmo 5 May 1714

Gentlemen./ there are Eighten monts past Sence the Comittees of the Council and Representatives have Set to draw up the fform and State of the Local Laws and orders in force in the Province, I desire they may be directed to mack ye return of there proceedings that further provision may be made where any defect is to put forward Her Majesties Service and the good Goverment of there province : /

The Gentlemen of the Representatives are Senteble that ye Last gain tax, and what is allso provided for the fore years net
* 1–75 comeing is what is necessary to draw in ye Bills Credit * and thereby to discharge the province Debt and noeing soe that

there is noe provision made for the Anual tharge of y^e^ Goverment; the ffort and other contingent Charge sence the abatement of the Impost which I recommend againe to your Consideration that it be forthwith laid, and the Excise ffarmed or otherwise disposed, Soe as it may be a Service to the province and assist in Ease of the Land tax as it is allways intended I have lately Intelligence from the Gentlement Sent to Canada for the releife and return of y^e^ prisoners there and am now determined to Send a Ship to Quebeck to receive them of this province wherein the prisoners will demend your proportion of Charge and I think it best that a Gentleman of yo^r^ province be there to assist y^e^ negotian which otherwise may be Entangled and ineffectual — You will alsoe consider and Represent to me what there of the Trade with y^e^ Indians you Judge proper to hold for there Soply and prevention of there dependance upon the ffrench wile thay live upon English ground You will Lastly determine wherther there be any provision by way of repetition to be made to y^e^ Treasary for y^e^ Currant tharge in which as in Every thing relatening to y^e^ benfit of the province nothing Shall be wanting for Her Mjestes Service on my part/

An Act for prevention of Pedlers &c : Passed And sent up to the Govern^r^ & Councell

The House Adjourned to y^e^ 6^th^ Ins^t^ 8 a Clock ante Merid^n^

6 May The House Mett present

M^r^ Speaker	Jones	Keais
Jeffrey	Hill	Atkinson
Gerrish	Thing	Marston
Gilman	Smith	

* Several Acts Voted * 1–77

1 An Act About partitian of lands & legacies
2 An Act for Releife of Idiates &c
3 To prevent mens Sons & Servants Absenting &c
4 To prevent Default in Jurors &c
5 To prevent Incestuous Mariages
6 To Make lands Lyable to pay D^ts^ —
7: To Prevent Murdering Bastard Children
8: To Prevent Incroachment on High Ways
9: Against Receiving Stolen Goods
10: Provideing in Case of Sickness
11: Regulateing Prisons in Case of Escapes
12: Provideing for Post Humus Children

The House Adjourned to 3 a Clock Post Merid^n^

The House Mett Accordingly. —

13 : Directing the Proceedings against forceable Entry and Detainer
14 : for the Conveniant and speedy Assignment of Dower
15 : Relateing to Attorneys —
16 : to Prevent Disorders in the Night
17 : About Execut^{rs} & Administ^{rs} —
18 : About Cord Wood

The House Adjourned by y^{e} speaker to y^{e} 7th Inst 9 a Clock Ante Meridi^{n} —

* 1–78 * No 19 an Act Against High Treason
20 an Act against Shiping of Horses
22 an Act for supply of y^{e} Ministry
23 an Act concearning Births & Burialls
24 An Act About Prudential affairs
25 An Act for Appoynting y^{e} sherife to keep the Comon Goal
26 an Act about Fees
27 an Act against Hawkers & Pedlers —

* 1–79 * May 7th The House Mett ℔sent

M^{r} Speaker	M^{r} Jones	M^{r} Tilton
Maj^{r} Smith	M^{r} Atkinson	Geo : Jaffrey
Cap^{t} Hill	Cap^{t} Gerrish	Sam^{l} Keis
Cap^{t} Gilman	M^{r} Thing	Mastines

The House adjourned to 3 a Clock and Mett accordingly —

The Peticion of Coll^{o} Parker M^{r} Wibird &c in behalf of them Selves and Sundry Inhabitants of y^{e} Parish of Portsm^{o} Read And Ordered thereon that Cap^{t} Pickrin & M^{r} W^{m} Cotton be notifyed to attend y^{e} House at 4 a Clock to Answer thereto.

The House adjourned to y^{e} 8th Ins^{t} 9 a Clock —

May 8th The House Mett ℔^{r} Sent

y^{e} Speaker	M^{r} Jones	Mag^{r} Smith
Cap^{tt} Hill	M^{r} Thing	M^{r} Jaffrey
Cap^{tt} Gillman	Sam^{ll} Keis	Mastine
Cap^{tt} Gerrish	M^{r} Atkinson	

The House adjourned p y^{e} Speaker to Monday ten a Clock being y^{e} 10th Inst —

10 May The House mett Except Mes^{rs} Hill Randell and Tilton —

May 10th 1714 Sam^{l} Esman Qualifyed to Serve in This House Representative for the Town of Kingston

* 1–80 * The House Adjourned to y^{e} 11th Inst 9 a Clock in the forenoon

May 11th The House Mett ℔sent

Mr Speaker	Mr Eastman	Mr Mastin
Mr Atkinson	Saml Kaeis	Majr Smith
Mr Thing	Mr Jones	Geo : Jaffrey
Capt Gerrish	Capt Gilman	

Capt Giles Brought an Accot of his attendance and Expences on ye Indians amo to 9,, 11,, 2 on which is allowed three pounds which is more than ye Proportion of this Prov :

The House Adjourned to 3 a Clock — and Mett accordingly.

The House Adjourned to ye 12th 8 a Clock.

May 12th The house Mett ℔Sent

Speaker	Capt Gerrish	Mr Mastyn
Mr Jaffrey	Mr Easman	Magr Smith
Mr Thing	Mr Jones	Samll Keis
	Capt Gilman	

The Peticion of Green Land and Bloody Poynt Read and Considered, and

Voted That Mr Speaker Gerrish & Geo : Jaffrey be a Committe to Joyne with Capt Saml Weeks and Lt Jno Downing to ascertain ye Limitts of ye Parishes of Green Land & Bloody Poynt &c —

Coll Waldron & Captt Hunkins be added as a Comitte at this board to Joyn wth the above Comittee Cha : Story Secretary.

* Voted that Each parrish have power within them Selves to tax and Asses there Several Inhabitants to there parrish Charges and that they annually Choose three persons to tax ym and yr Warrants to be signed by a Justice of ps as Usuall — * 1–81

May 12 1714 past ye House.

Considering ye Great and Extra Charge that may arise upon sending a Gentleman of this Prov : to negotiate ye affair of Redeeming our Prisoners that are at Quebeck.

Voted That his Excellency ye Governr be Desired to Improve ye Gentlemen sent from ye Massathusetts to transact that Buisiness for us and Wee will Pay our Quota of ye Charge in proportion to the Number of our Prisonrs that may be Returned.

And if none to be Obtained Wee Will Gratifye ye Gentlemen for the Trouble and Charge they may be at in Inquireing after them

May 12th 1714 — Past ye House —

The House adjourned to 3 a Clock and Mett accordingly. —

The Last years Tax being Pay'd into the Treasury in Massathusetts Road Island & Connecticut Bills, and the Burning of them Do's

not answer y^e ffund of this Province and to avoy'd Charges that may arise in Changing them into Bills of this Province.

Voted That the Last Province Tax Being fifteen hundred pounds be Let to such Severall Persons as Will Give Good and sufficiant Security of Land Estate within the Province Oblidgeing themselves to Repay the same within one Year in New Hampsh^r Bills, and that a Committe be appoynted therefor —

Voted M^r Speaker M^rs Atkinson & Jeffry be a Comitte to Joyne with some of the Gentlemen of the Councell to lett out the Above Money and that It be let for two years At two an half per cent — Coll Waldron M^r Penhallow & m^r Plaisteed Comitte of y^e Councell

* 1–82 * May 12^th^ 1714 The House Adjourned ℔ the Speaker to y^e 14^th^ Ins^t^ 10 a Clock in y^e Morning

May 14^th^ The House Mett ℔ sent

M^r Speaker	M^r Thing	Sam^l^ Easman
M^r Atkinson	M^r Jones	Cap^t^ Gilman
Cap^t^ Gerrish	Geo : Jaffrey	Cap^t^ Hill
Sam^l^ Keis	Eph^a^ Mastin	

Voted That be An Act of Impost for One Year on these Severall Commodity's Imported into the Province viz^t^

Rum Eight shill ℔ hh^d^ & ℔ Pro Rato for bar^s^
ffayall Wine five shill ℔ Pipe
Madera Wine Seven shill ℔ Pipe
Mellasses two shill ℔ hh^d^
suger two shill ℔ hh^d^ & Pro Rato for bar^s^
Tobacco three shill ℔ hh^d^

with a Draw Back of three Quarters if Exported within six months after Importation —

And that there be one shill ℔ m Payd by y^e Exporter for all boards Exported

Pine plank two shill ℔ m
Oak D° three shill ℔ m
Red Oak hh^d^ staves sixpence ℔ m
white oak D° nine pence ℔ m
Pipe Ditto one shill ℔ m

The House Is adjourned to 3 of y^e Clock mett accordingly —

* 1–83 * May 14^th^ Voted That there be an Act to Prohibit the Importation of Indian Slaves into y^e Province upon y^e Penalty of forfeiting ten pounds for each Indian so Imported to be Pay'd into the Treasury for the use of y^e Province.

Voted That Twelve hundred pounds in Bills of Credit on this Province be forthwith Impressed and signed by the Committe and applyed to the Payment of the Province Debts that are allowed by the Committe for Auditing ye Province Accots and approved of by the Generall Assembly. And that an Act be Drawn up accordingly and that the same be Repay'd in ye year 1719—.

Voted That all New Hampshr Bills that for the future shall be Pay'd into the Treasury shall be accepted with ye advance of five ℔ Cent.

The House Adjourned to 8 a Clock ye 15th Inst.

May 15th The House mett ℔sent

Mr Speaker	Mr Keis	Mr Jones
Majr Smith	Mr Atkinson	Mr Esman
Capt Timo Gerrish	Capt Hill	Mr Mastin
Mr Thing	Capt Gilman	Geo : Jaffrey

The house Is adjourned for one houre & Mett Accordingly — all Present as above

* May 15th 1714 Voted That the Laws now Passed now & all other former Laws wch shall be thought needfull by ye Governr & Councill be Collected into a Book and Printed & that the Committee appointed to Revise ye Laws of this Prov: see them Effected — Mr Daniel Tilton A Member of this House being Infirm & Antient Desires a Dismission therefrom * 1–84

Voted That the sd Tilton be Dismised And That the Town of Hampton be Notifyed to send A Member In his Room the next siting of this house

The House by the Gov: Prorouged To Wensday the 11th Aug: next

* July 22d 1714 pr Order of his Excellency ye Governr The House mett ℔sent * 1–85

Mr Speaker Gerrish	Capt Timo Gerrish	James Rendall
Majr Smith	Mr Atkinson	Geo : Jaffrey
Mr Jones	Ephm Mastin	Saml Keis —

Governrs Spech

Gentlemen Prov: New Hampshr

I am here upon an Interview & Speech with ye Indian Sachems of ye Severall Eastern tribes to Settle ye Trade and Commerce between her Majesties Good Subjects of these Provinces and ye Said Indians and have Directed this Extraordinary Session of the Assembly that I might have your Assistance and Advice in any thing that may

Occur of Benefitt to the Province you shall be present at the Indians Attendance to Discourse and have Oppertunity to offer any thing thereupon afterwards. And I am to Acquaint you that the Prorogation to the 11th of August next is yet Continued without Interruption

J Dudley

The Petetion of Samll Penhallow Esqr being Read for the Appearance of the two setts of Select men in the Town of Portsmo on Satorday Morning Next at 10 of Clock

Voted A Concurrence

* 1-86 * July 22d 1714 The House Adjourned to the 23d 9 a Clock —

The House mett & present

ye Speaker	Captt Atkinson	Mr Jones
Magr Smith	Mr Jaffrey	Mr Mastyn
Mr Rendal	Captt Gerrish	Mr Keis —

The House adjourned till four a Clock

The House mett and ꝑsent as above

The following was sent Down from ye Governr & Councill

In Council 24th July 1714

Information being given to this Board that there is Offence taken by ye Assembly of her Majesties Province of ye Massathusetts at the Act of Impost and Duty's of Exportation Lately made in this Province

Ordered that Saml Penhallow and Marke Hunking Esqrs be a Committe from this Board to Joyne with a Committe of ye House of Representatives to meet and Confer with such Gentlemen as the Goverment of the Massathusetts shall Direct for that Purpose to take away any Just offence at ye said act for that We would avoy'd any Misunderstanding between the two Goverms of Her Maj-ties Provinces so happily United for the Common safety and Preservation of Each other.

Past in the Councill nemine Contradicente Cha: Storey —

To which it is answered vizt —

* 1-87 * Wee are Humbly of Opinion That It is Inconsistant with ye Honr of ye Goverm of this Province to Appoynt any Committe to be Chosen to Confer wth Such of the Massachusetts, about any Law of this Prov:

If they are Agreived by any Act upon their Intimation thereof and Desire to Treat with us thereon We will then Appoynt a Committe to Confer with theirs

But in ye mein time We Pray his Excellency ye Governr to Give them all Imaginable assurance that We had no Intention to affront or

Injure there Goverm^{t} by Passing any Act and hope they'l have no ill Resentment thereof —

The House adjourned to y^{e} 24th 9 a Clock —

July 24th The House Mett ℘sent

M^{r} Speaker	Cap^{t} Gerrish	Geo : Jaffrey
Maj^{r} Smith	Ephr^{a} Mastin	Sam^{l} Keis
M^{r} Jones	M^{r} Atkinson	Cap^{t} Nich^{o} Gilman

The House Adjourned to 3 a Clock

Mett Accordingly & Presant as above —

To His Excellency Joseph Dudley Esq^{r} Govern^{r} &c. And to y^{e} Honourable y^{e} Councill & Assembly &c.

The Peticion of Sam^{l} Penhallow Esq^{r} Treasurer and Receiver Generall of Her Majesties Province of — Most Humbly Sheweth —
* That the Selectmen of y^{e} Town wth y^{e} Assessors are by * 1–88
Law Impowered by Law to Lay y^{e} Taxes throughout this Province and the Treasurer is by Law Impowered to Direct his Warrant Accordingly. Yet so it is that By Reason of y^{e} Unhappy Difference in y^{e} Parish of Portsmouth There are two Setts of Selectmen Assessors & Constables Chose for y^{e} Present Year. And it Being Beyond my Power to Determine to Whom I should Direct my Warrant for the Leveying of the Tax Granted unto her Majesty for y^{e} support of y^{e} Goverment Defence of the Province and Payment of y^{e} Publick Debts which will be to y^{e} Detriment hurt & Dishonour of Her Majesties Province Doe humbly Pray that y^{or} Excellency and y^{e} Honourable Assembly will give such Direction herein as you in Wisdom shall see meet which shall Readily be observed by

Y^{or} Excellency's & Hon^{rs} Most Hum^{l} Serv^{t}
Sam^{l} Penhallow

Ordered that the two setts of Selectmen be notifyed to Appear on Satturday morning ten a Clock —

To Which Piticion Wee Answer on hearing the Qualifications of the two setts of Selectmen in Portsmouth Wee Are Humbly of Opinion That the Selectmen Chosen at the New Meeting House on y^{e} 7th June last are the Persons that the Treasurer Ought to send
his Warrant to for the Collecting such * Money as hath bin * 1–89
Granted to her Majesty this Present Year. Past y^{e} House of Representatives 24th July 1714 —

The House Adjourned to y^{e} 26th Inst 9 a Clock —

26th The House Mett ℔sent

Mr Speaker	Geo : Jaffrey	Ephª Mastin
Capt Gilman	Theo : Atkinson	Saml Keis
Danl Tilton	Capt Gerrish	

The House Adjourned to 3 a Clock And Mett accordingly —

The House Adjourned to ye 27th ℔sent

Mr Speaker	Mr Thing	Ephª Mastin
Mr Atkinson	Capt Gerrish	Geo : Jaffrey
Capt Gilman	Majr Smith	Saml Keis
Danl Tilton	Mr Jones	

The House adjourned to ye 28th

* 1–90 * The House Mett ℔sent

Mr Speaker	Capt Gilman	Geo : Jaffrey
Majr Smith	Ephª Mastin	Saml Keis
Danl Tilton	Capt Gerrish	The : Atkinson Esqr
	Mr Thing	

Voted Theodr Atkinson Esqr and Geo : Jaffrey Be a Committe to Joyne with ye Committe of ye Councill to Confer with ye Committe of ye Massathusetts about their Being offended at any Law of this Province and make Return thereof to the Generall Assembly

Voted a Concurrence wth ye Ordr of ye Governr & Councill vizt That His Excellency appoynt five Selectmen out of ye Nine Chosen to serve this ℔sent year untill ye 25th March &c and Considering the Regularity of ye Town Meeting at ye New Meeting House on the ye 7th June Wee Confirme the Town Clarke and all other officers then Chosen and the Votes then Passed about ye New Meeting House —

The Peticion Relateing to a Bridge at New Castle Refered to ye Next Session of ye Assembly vizt ye 11th of August

* 1–91 *Adjorned Untill the 29th Inst Eight of the Clock Present as before —

29 July Mett According to Adjornment And Prorouged to the 11th of August next

Memorand. Mr Saml Thing had : A Certificate The 29 of July : 1714 23 days

July 29 1714 Memorandum This may sertify all Concerned yt Capt Nickholas gillman had his Debenter for all his servis one ye Asembly for ye Towen of Exitor from ye 16th of July 1713 To July ye 29th 1714 : 24 : days Samll Keais Clark

Augst 11 The House mett according to Prorogation & Present

Mr Speaker	Mr Jaffrey	Capt Hill
Mr Atkinson	Mr Rendall	Samll Keis
	Mr Mastyn	

The House is Prorouged to Wensday ye 8o Sepr next. —

* Septbr 8th The House mett according to Prorogation * 1–92
℔sent

ye Speaker	Captt Hill	Mr Rendal
Mr Geo : Jaffrey	Magr Smith	Samll Keis —

The House Is adjourned to Thursday ye 16th Instt

Sepr 16 The House mett according to Adjournmt & Present

ye Speaker	Mr Geo : Jaffrey	Samll Keis

℔r ordr of His Excellency the House is Proroged to Wedensday ye 3 Novr next

1714 Octr 1st ℔r Order of His Excellency The House mett ℔sent

Mr Speaker	Capt Hill	Mr Jones
Capt Timo Gerrish	Geo : Jaffrey	Saml Keis

The House adjourned to ye 2d Instt a 11 Clock —

Province of Newhamshr

Thes may sertify All Consernd yt Capt Timothy gerrish has served her Majesty In generall Asembly for ye Towen of Dover : from Desembr The 18th to Sept ye 16th 1714

* Octobr 2d The House Mett ℔sent * 1–93

Mr Speaker	Capt Gilman	Mr Gerrish
Majr Smith	Geo : Jaffrey	Mr Keis
Capt Hill	Mr Jones	Ephra Mastin

Voted That there be a Congratulatory Address Presented to His Majesty on his accession to the Brittish Throne —

And That He be Addressed in ffavour of His Excellency That He be Continued Govern r —

The House Adjourned to ye 3d of November According to former Prorogation —

Memorandum : Thes may sertify all Concernd yt Capt Timothy gerish : has served one ye Asembly for ye towen of Dover : ffrom Desember ye Eighth 1712 to octor y 2d : 1714 : — 36 days : Allsoe : Capt Nathaniel Hill has served one ye Asembly for ye towen of Dovore from Desembr ye 18th : 1712 : to octor ye 2d : 1714 69 days

Thes may sertify all Consernd yt Mr Steven Jones has served one ye

Asembly for y^e^ Towen of Dover ffrom Desember y^e^ 18, 1712 to octo^r^ y^e^ 2^d^ 1714: 39: day Sam^ll^ Keais: Clark

* 1–94 * Memorandum y^t^ Maj^r^ Smith Ephrim Masten, and Daniel Tilton had ther Debentu^rs^ for Terr. Servas one y^e^ Asembly from Desember y^e^ 25: 1713: to October y^e^ 2^d^: 1714 —
Smith 27 days Mastins 38 days Tilton 07: days

Nob^r^ y^e^ 3^d^ The House mett according to Prorogation ꝑ^r^sent

y^e^ Speaker	M^r^ Jones
M^r^ Jaffrey	M^r^ Keis —

The House is adjourned to thursday y^e^ 4^th^ Ins^tt^

Nov^r^ 4^th^ Mett ꝑsent

M^r^ Speaker	Geo: Jaffrey	Sam^l^ Keis —
Cap^t^ Hill	The^o^ Atkinson Esq^r^	

The House Adjourned to fryday y^e^ 5^th^ Ins^t^

5^th^ Novem^r^ The House Mett Present

M^r^ Speaker	Gerrish	Atkinson
Rendell	Hill	Keais
	Jaffrey	

and sent for by the Councell Who by Vertue of his Excellencys Leter Dissolved the Assembly.

* 1–95 * Memorandum y^t^ Cap^t^ Richard Gerrish M^r^ georg Jeffry and Sam^ll^ Keais had ther Debentures for all Ther Servis one y^e^ Asembly for y^e^ Towen of portsm^o^ from March y^e^ 3^d^ $17^{13}/_{14}$ to Nobem^r^ y^e^ 5^th^ 1714 35 days Apese: —
Theo: Atkinson had his Debenter from the 3^d^ July 1712 to the Desolving the Assembly Ninety Eight Dayes
James Rendell from the same time forty Eight Dayes

* 1–96 * Cap^t^ Richard Gerrish Maj^er^ Joseph Smith Cap^t^ Timoth gerrish

M^r^ georg Jeffryes	M^r^ petter Wier	M^r^ Steven Jones
Sam^l^ Keais	Joshua Winget	M^r^ John Downing
M^r^ Theoder Atkinson	Sam^ll^ Thing	Sam^l^ Estman
M^r^ Jothan Odihorn	Nickholas Gillman	

* 1–97 * 1715 Province of New Hampsh^r^ —

Att a Generall Assembly Call^d^ By His Excellency Joseph Dudley Esq^r^ Govern^r^ & Command^r^ in Cheife of Said Province on the 13^th^ of Aprill 1715.

The Members Elected & the Severall Towns Returned as Ffollows — viz

for Portsm°	for New Castle
Rich[d] Gerrish Esq[r]	Theod[r] Atkinson Esq[r]
Geo : Jaffrey —	Jotham Odiorn
Sam[l] Keis	
for Hampton	Dover
Maj[r] Joseph Smith	Cap[t] Tim° Gerrish
Peter Ware	Jn° Downing
Joshua Wingate	Stephen Jones
Exeter	Kingston
Sam[l] Thing	Sam[l] Easman
Nich° Gilman	

Sam[l] Penhallow Esq[r] & Jn° Plaisted Esq[r] Being Appoynted Did Administ[r] the Oaths of allegiance &c for Qualifying y[e] Above Members — y[e] 20[th] of Aprill 1715 — to y[e] Whole House Except M[r] Atkinson Cap[t] Nich° Gilman & Sam[l] Easman they being Absent

*1715 Ap[l] 20[th] The House Mett & Qualifyed * 1–98

Voted Richard Gerrish Esq[r] Speaker Who being Presented to His Excellency and Accepted Accordingly —
Voted Sam[l] Keis Clarke of y[e] House —

The House Sent for by his Excellency who Presented The ffollowing Speach

Province of N Hampsh[r]

Gentlemen Portsm° 20[th] Ap[l] 1715 —

By the ffavour of the Allmighty God and the Indulgence of His Majesty the Best of Kings, You Are at this Time Assembled and there is Nothing Necessary for the Ease & Benefitt of this His Majesties Province, But I shall Readily Come into and put forward when it shall be Offered.

I have Directed M[r] Treasurer to Lay before You the Present state of Your Debts w[ch] You will Provide for : The Tax now Collecting will be no Assistance therein being Ordered to be Pay'd in Bills of Credit of this Province that they may be Burnt in Pursuance of the Act of Assembly, and in that Case made and Provided. I Judge it best for the Assembly to use all proper Methods to get out of Debt whilst We are in Peace that We may be more Capable and Ready for what shall be Necessary to Establish and Advance the Growth of y[e] Province & Defence for y[e] ffuture Joseph Dudley

* 1–99 * For the Regulateing the House the Articles in y^e^ Other End of y^e^ Book Were

Voted The Rules of this House Being Ten in Number —

The House Is adjorned to thirsday y^e^ 21^th^ Ins^tt^ Nine a Clock —

Ap^l^ 21^st^ The House Mett ℔sent

M^r^ Speaker	Sam^ll^ Esman	M^r^ Ware
Maj^r^ Smith	Theo : Atkinson	M^r^ Sam^l^ Thing
Capt Tim^o^ Gerrish	Cap^t^ Wingate	Geo : Jaffrey
Cap^t^ Odiorn	Cap^t^ Downing	Sam^l^ Keis —
	M^r^ Jones	

Sam^l^ Easman being Elected Representative for the Town of Kingston and Returned Accordingly, Was Qualifyed by Takeing the Proper Oaths Administ^rd^ by Jn^o^ Plaisted Esq^r^ & M^r^ Sherife Phipps—

The House Adjourned by y^e^ Speaker to two a Clock afternoon —

Mett Accordingly & Present ut Supra with M^r^ Esman —

Voted That There be a Committe of Both Houses Appoyn^td^ to Examine the Province Acco^ts^ and Make Returns to y^e^ Generall Assembly from time to time: Voted M^r^ Speaker M^r^ Atkinson & M^r^ Jaffrey & Maj^r^ Smith The Committe of this House —

* 1–100 *1715 The House Adjourned ℔ the Speaker to y^e^ 22^d^ In^st^ 9 a Clock —

Ap^l^ 22^d^ The House Mett ℔sent

M^r^ Speaker	M^r^ Peter Ware	M^r^ Easman
Maj^r^ Smith	Cap^t^ Odiorn	Geo : Jaffrey
M^r^ Thing	M^r^ Jones	Sam^l^ Keis
Cap^t^ Tim^o^ Gerrish	Cap^t^ Wingate	Theo : Atkinson
	Cap^t^ Downing	

Voted that there be a Comitte of both Houses Apponted to Examine the Province Acco^tts^ And make Returne from time to time to the Generall Assembly

April 21 1715 ℔ : order of the House Sam^ll^ Keais Cl^r^

Voted by the Councell that Rob^t^ Eliot John Plaisted & Mark Hunking Esq^rs^ being A Comitte to Joyn with such As Shall be Appointed by the Represent^s^ to Examin the Acco^ts^ of the Pro :

Tho^s^ Phips ℔ : order

Voted M^r^ Speaker Gerrish Mess Atkinson Jeffrey and Smith the Comitte of this house to Audit Acco^ts^ pursnt to the Above Vote ℔ : order Sam^ll^ Keais Cler :

* 1–101 * New Hampsh^r^

at a Generall assembly held at portsm^o^ 20 Aprile 1715

Whereas by y^e^ Return of y^e^ Committee from Dover it appears there is no agreement about y^e^ meeting house at Cochecho — ordered that a committee of both houses be chosen to Go to Dover to view both meeting houses there & Enquire into the Scituation of y^e^ Inhabitants there about & make Report which of the two houses (since y^e^ seperation of Newington best serves the remaining Inhabitants to meet Constantly to attend y^e^ publicke Worship of God on the Lords Day & y^t^ the Selectmen of y^e^ Town to be Notified to attend y^e^ Committee in this affair at y^e^ old meeting house on Dover necke on Munday next at ten of y^e^ Clocke & the Committee to make there Return to y^e^ assembly on tuesday following — past by the Councill Who have Chosen

Cap^t^ John Plasteed & Cap^t^ Marke Hunkin } to Joyn w^th^ 2 : Chosen by y^e^ house of Representvs

Voted y^t^ m^r^ Samuell Thing and M^r^ peter Weare be a Committee of this house to Joyn with y^e^ above Committee —

April 21^st^ 1715 ℔r order of House of Represented

Sam^ll^ Keass Clarke

Ap^l^ 22^d^ Voted Maj Smith & Theod^r^ Atkinson Esq^r^ a Comitte to Joyne with the Gentlemen of y^e^ Councill to make Return abt the Goal.

The House Adjourned to 2 a Clock —

The House mett ℔sent

y^e^ Speaker	M^r^ Peter wire	Cap^t^ Jn^o^ Downing
Mag^r^ Smith	Cap^tt^ Odiorn	M^r^ Easman
M^r^ Thing	m^r^ Jones	Cap^tt^ Atkinson
Cap^tt^ Tim^o^ Gerrish	Cap^tt^ Wingate	Sam^ll^ Keis —

The House Is adjourned to y^e^ 23^d^ Is^tt^ 9 a clock

* Api^ll^ 23^d^ The house Mett & Present * 1–102

y^e^ Speaker	M^r^ Easman	M^r^ Stephen Jones
Mag^r^ Smith	Cap^t^ Odihorn	Sam^ll^ Keis
M^r^ Thing	M^r^ Peter Wire	Cap^t^ Tim^o^ Gerrish
Cap^tt^ Downing	Cap^tt^ Jos^h^ Wigate	M^r^ Theoder Atkinson

The House is adjourned to 2 a Clock

Mett According to Adjornment And Adjorned Untill the 25^th^ Ins^t^ Ten of Clock

Apr^ll^ 25^th^ The house mett according to adjornment ℔rsent

y^e^ Speaker	M^r^ Sam^ll^ Easman	M^r^ Thing
Mag^r^ Smith	Cap^tt^ Wingate	M^r^ Wire
M^r^ Jones	Cap^tt^ Atkinson	Cap^tt^ Tim^o^ Gerrish
Cap^tt^ Odiorn	Cap^tt^ Jn^o^ Downing	M^r^ Sam^ll^ Keis

The House is adjorned untill the 26th Instt Nine of ye Clock —

Mett According To Adjornment Present

Mr Speaker	Wingate	Easman
Keais	Thing	Downing
Wear	Jones	Odiorne
Smith	Gerrish	Atkinson

* 1–103 * Voted That there be burnt one Thousd pounds And five hundred pounds Repeated of the 1500£ In the Treasury — Major Smith Capt Downing And Mr Thing A Comitte to take bonds for the 1500£ borrowed out of the Treasury

Adjorned for two hours

Returned According to Adjornment present As in the Morning The Petition of Richd Dolhof being Read and Considered by the house

Voted That he have twenty pounds Given him out of The Treasury —

The Comitte Appointed for Veiwing The Meeting houses Att Dover Making Their Return It Is Accepted of by this house According to the sd Return —

* 1–104 * The House is adjorned to ye 27th Instt 6 a clock

aprll 27th The House mett according to adjourment ℔ Sent

ye Speaker	Captt Timo Gerrish	Mr Jones
Magr Smith	Captt Odyorn	Mr Samll Easman
Mr Wire	Mr Jeffry	Mr Samll Keis
Mr Thing	Captt Jno Downing	Theodor Atkinson Esqr
	Captt Joshua Wingate	

Voted That that part of the Actt about Impost &c beginning : the 10th June 1714 Concerning the Duty of rum Wine Sugar Mollasses and Tobacco bee Continued : Untill ye 10th June 1716 and Where as ye Drawback there Is Three Quarters If Exported In Six Mo Its now not Allowed Except It be Exported In three Months after ye Importation Samll Keis Clark

Memo : Whearas In the Repetetion of the five hundred pounds now In the Treasury the Town of Kings Town Is alloted forty pounds It is to be Understood that that Sum Is there proportian for two years they being Exemted twenty pound — Which

* 1–105 * They should have pd last year —

A Vote Sent up that the 1000£ to be burnt be performed by the tenth of June next

The House by order of the Governour prorogued to the 25 of May next

May 25th The House Mett ℔sent

Mr Speaker	Capt Wingate	Geo : Jaffrey
Majr Smith	Theodr Atkinson Esqr	Saml Keis —
	Capt Odiorn	

The Returne of ye Committe for Auditing Accots Examined & Allowed, the Whole Amo to two hundred fifty nine pounds five shill : 5d

Passd ℔ the House Saml Keis Clers—

The House is Prorouged to fryday ye 10th June next — ℔ ye Councill —

* 1715 June 10th The House Mett ℔sent * 1–106

Mr Speaker Gerrish	Majr Smith	Geo : Jaffrey
Theodr Atkinson Esqr	Jotham Odiorn	Saml Keis

The House Mett According to Prorogation in ordr to Burn one thousand pounds Prov : Bills}But the Treasurer Remonstrating that the Money was not brought into ye Treasury. The time for Burning is therefore Defered to the fourteenth Day of July next. And the Assembly is Accordingly Adjourned to thirsday ye 14th of July.

1715 July 14 The House Mett According to Adjornt Present

Mr Speaker	Wingate	Odiorne
Smith	Jaffrey	Atkinson
Keais	Jones	

The House sent for by the Council and the Treasurer Reporting that he had Not the Whole £1000 * Which Was to * 1–107 have been burnt of this Province Bills but that he had the Greatest part of them ; It Was then Agreed that What Bills there was in The Treasury of this Provinces Should be Burnt And that A Comitte of Two should be Chosen out of the house of Representatives to Joyne With two of the Councell to tell the Money On Oath In order to The Burning It Major Smith And Capt Wingate Chosen of the House of Representatives

Its agreed on by both houses that the Tresurer have a Longer time that he may gitt ye rest of ye Bills of this Province to make up ye thousand pounds to be burnt its therefore defered to ye 28th Inst — and ye Assembly is accordingly adjourned to thirsday ye 28th Currant —

1715 July 28th The House Mett ℔sent

Mr Speaker	Joshua Wingate	Geo : Jaffrey
Majr Smith	Theodr Atkinson Esqr	Saml Keis
	Jotham Odiorn	

* 1–108 * Majr Smith Refuses to be of ye Above Committe
Voted Capt Wingate of this House to Joyne with Marke Hunking Esqr of ye Councill to tell the Bills as above.

The House Adjourned, not having time to Count & burn the Money to ye 29th —

July 29th The House Mett ℔sent

Mr Speaker Gerrish	Capt Odiorn	Capt Wingate
Theodr Atkinson	Saml Keis	Geo : Jaffrey
	Majr Smith	

The Comitte Returning Viz Mark Hunkin Esqr & Capt Wingt having Receved from Mr Treasurer Penhallow The sum of Eight hundred sixty five pounds one shiling to Which They Made Oath which sum of Eight hundred sixty five pounds one shiling Was burnt before the Honble the Councell and Assembly this Day

The Cler : of the Councel brought A Mesuage that the House Was adjorned to thursday the Eleventh of August Next

* 1–109 * Augst 11th 1715 The House Mett ℔sent

Mr Speaker Gerrish	Jotham Odiorn	Saml Keis —
Theodr Atkinson Esqr	Geo : Jaffrey	

The House Adjourned to thirsday ye 18th Inst at : 10 of ye Clock.

Augst 18th 1715 The House Mett ℔sent

Mr Speaker Gerrish	Mr Geo : Jaffrey	Stephen Jones
Theodr Atkinson Esqr	Jotham Odiorn	Samll Keis —

The House Adjourned to thirsday the first day of Septr next att 10 of ye Clock —

Septbr 1th The House Mett ℔rsent

ye Speaker	Captt Timo Gerrish
Theodr Atkinson Esqr	Samll Keis —

The House adjourned to thirsday ye 8th Instt at 10 Clock

* 1–110 * The 8th Sept 1715 The House Mett According to Adjournment Present

Mr Speaker	Wingate	Thing
Keais	Odiorne	Atkinson
Smith	Wear	

The Lt Governr And Councell being in Councell sent for the house to the Councell Chamber And Read A Speech Which Was Delivered to the Speaker

The House Adjourned to fryday ye 9th Instt at 10 a Clock.

Septb^{r} y^{e} 9th The House mett & p^{r}s^{t}

y^{e} Speaker	Cap^{tt} Odiorne	Mag^{r} Smith
Theod^{r} Atkinson Esq^{r}	Cap^{tt} Downing	Cap^{tt} Wire
M^{r} Thing	Cap^{tt} Gilman	M^{r} Keis —
	Cap^{tt} Wingate	

The house adjourned for two Hours.

The House mett & Present as Above.

The house adjourned to Saterday y^{e} 10th Ins^{tt} 10 a Clock

* Memorandom that Cap^{t} Nicklos Gilman was Qualified as : * 1–111
a member of this house according to law, Sept^{r} 1715/

Septb^{r} 10th The House mett and Present —

y^{e} Speaker	M^{r} Thing	Mag^{r} Smith
Theodor Atkinson Esq^{r}	Cap^{tt} Wire	Sam^{ll} Keis
Cap^{tt} Odiorne	Cap^{tt} Downing	Cap^{tt} Gilman
	Cap^{tt} Wingate	

The House is adjourned for two Hours —

Returned according to adjornment Present As in the Morning

The Return of the Comitte for Viewing the fort Att New Castle Sen Down from the Councell board And Read

The L^{t} Govern^{rs} Speech being Read Is left to farther Consideration And The House Is Adjorned Untill the 12 Ins^{t} Tenn of Clock ordered That A Messenger be Sent from the house for the Members that Are Absent

* 1715 The 12 Sep^{t} The house Mett According to Adjorn- * 1–112
ment Present

M^{r} Speaker	Wingate	Jones
Keais	Gilman	Odiorne
Smith	Gerrish	Easman
Wear	Downing	Atkinson

The House is adjourned till tusday y^{e} 13th Ins^{tt} 11 a Clock

13th Sep^{t} The House Mett According To Adjornment Present

M^{r} Speaker	Wingate	Easman
Keais	Gilman	Odiorne
Smith	Downing	Atkinson
Weare	Jones	

Answer to the L^{t} Govern^{rs} Speech Sent Up ℔ m^{r} Easman As ℔ : Copia on file

Adjorned for two hours Returned According to Adjornment ℔sent As in the Morning

* 1–113 * Voted That If Gov^{r} Burges Arrives In this Province before he Doth in the Massathusetts the Treasurer be Desired to Make preparations for his Reception

Copy

Voted That Col Walton be Allowed Six pounds ℔ : Annum for his bote to Attend the Governm^{t} And fort he keeping her In Repair With oars sayles &c

Copy

The house Adjourned Untill the 14th Ins^{tt} Ten of Clock

Septb^{r} 14th The House mett according to adjournment ℔sent

Speaker	Cap^{tt} Odihorn	M^{r} Wire
Theodor Atkinson Esq^{r}	Cap^{tt} Gilman	M^{r} Easman
Mag^{r} Smith	M^{r} Jones	M^{r} Keis —

Septb^{r} 14th 1715 The house of Representatives Were sent for by the L^{t} Gov : And Dissolved

* 1–114 * Memorandom These may Certife that maj^{r} Josepher Smith hath Served in y^{e} Generall Assembly for y^{e} Town of Hamton twenty nine days from the 13th of Apral 1714, Untel y^{e} 13 of Sept^{r} 1715 allso Cap^{tt} Joshua Wingett twenty seven days Cap^{tt} Peter Weare twenty days — Sam^{ll} Keais Clark

Sep^{t} 14th 1715

Memorandom/ These may Certife that M^{r} Steven Jons hath Served in y^{e} General Assembly for y^{e} Town of Dover from y^{e} 2^{d} of oct^{r} 1714 to Sept^{r} y^{e} 14th 1715 ninten days Sam^{ll} Keais Clark

Sep^{t} 14 1715

Memorndom/ These may Certife that M^{r} Sam^{ll} Eassman hath Served in y^{e} Generall Assembly for y^{e} town of Kingstown Seven days from y^{e} 11th of may 1714 Untel y^{e} 14th of Sep^{t} 1715 fifteen days y^{e} Hole twenty two days Sam^{ll} Keais Clark

Sep^{t} 14th 1715

* 1–115 Memorandom/ These may Certife that m^{r} Necklos Gilman hath Served in y^{e} Generall Assembly fore y^{e} Town of Extor from y^{e} 2^{d} of octb^{r} 1714 to Sep^{t} y^{e} 14th 1715 twell days

Sep^{t} 14th 1715 Sam^{ll} Keais Clark

to Sep^{r} 14th 1715. Gerrish 32 Jaffry : 18 Keais 32

Sep^{t} 14 : 1715 Sam^{ll} Keais Clark

* 1–116 * These are to Certify That Theo : Atkinson hath Served In Gennerall Assembly for the Town of New Castle twenty

Eight Days Since the 13th of Aprall last past As Appers by the Book of the Representatives this 14th Sept 1715

Saml Keais Clark

These are to Certife Whom Concerned That Capt Jotham Odiorne hath Served In Generall Assembly for ye Town of New Castle twenty Six Days Sence the 13th Aprall last as appers by ye Book of the Representatives this 14th Sept 1715 Saml Keias Clark

These may Certife all Consarned that Capt Jno Downing hath Served in ye Generall Assembly for ye Town of Dover from ye 20th of Apll 1714 to Sept 14th 1715/ 13th days

Sept 14th 1715 Saml Keais Clark

*Pro : New Hampr 8 Nov : 1715 * 1–117

Att A Gennerall Assembly Called by The Honble Geo : Vaughan Esqr Leiut Governr The Members Returned to Represent The Severall Towns were

Portsmo	Richd Gerrish Esqr
	Mr Geo : Jaffrey
	Capt Richd Wiberd
Hampton	Major Joseph Smith
	Mr Jabez Dow : Epha Marston
	Mr Peter Wear
N : Castle	Coll : Shadrach Walton
	Theo : Atkinson
Dover	James Davis Esqr
	Mr Saml Tibbets
Newington	Mr John Dam
Exeter	Mr Saml Thing
	Capt Nich : Gilman
Kingstown	Mr Saml Esman

*All Which Appearing Saml Penhallow and Mark Hunking Esqrs of his Majestys Councell Came to the house of Representatives Attended With the Cler to Qualifie the House Which being Done they Were Sent for by the Lt Gov : to the Councell Chamber And Directed to Return to their house And Make Choise of A Speaker And Present him to him Att the Councel Chamber The Representatives Returning to their House Made Choise of Richd Gerrish Esqr Speaker And According to the Lt Govr Direction Presented him Who was Well Accepted And ordered to With Draw And Settle the House * 1–118

Theo : Atkinson Chosen Cler

Adjorned Untill the 9th Ten Clock

* 1-119 * Novemr 9th 1715 The House mett According to adjornmt
Present The Whole house As Yesterday

The orders Att the End of this book Containing Ten Voted to be Observd for the Regulating the house —

The House Sent for by the Lt Governr To the Councell Chamber and Deliverd A Speech Viz

Copia

Gentn The knowledge I have of ye Extraordinary Abilitis and Long Experiance of his Excellency ye Govr & ye Honble the Lt Govr who for many Years have filled that Place make me Anxiously Solicitous to use all Dilligence that I may not be wanting in my Duty to ye Crown & to Promote the Wellfare and Prosperity of this His Majesties Province —

Wee have (Blessed be God for his Divine ffavour) full assurance of ye Happyest Estate of ye British Monarchy which hath been Miraculously Exterpated from Desolateing Ruine Devised by Conspireing Monsters both at home and Abroad and Wee are now Reaping the Advantages of the Kings Majesties Wise & Just Administrations Who hath Preserved us our Religion & Properties & Confounded all the Machinations of Rebellious Impostures.

It Remains that Wee Manifest our Duty & affection for His Majesties Service & Goverment in this small & Poor Province that We Care for ye Generall Good of his Good Subjects here by Establishing Wholesome Laws to Suppress Vice & Incourage Virtue and Enforce ye Due Execution of them in Our Respective Places to Lead & Prompt all Persons whatsoever in Doeing their Duty to their Superiours which tends much to the Establishment of Good Goverment to which Purpose I shall Readily While I have the Honour

* 1-120 * to hold my station Adhere to Your Councill & Advice to Give Countenance to the Virtuous & Well Disposed but my Endeavours for the Punishment of all Guilty Offenders

I think it Proper to Put you in mind of ye Miserable Estate of ye Castle that Due Care be taken for its Repairs and yt it may be Done as Seasonably as the Spring will admitt The Deficiancy of ye Goal which is incapable of holding the Kings Prisoners through its Defect and Improper Scituation

It is necessary for you to see the Money Ordered to be Burnt by June Last be now Com'itted to ye fflames and that You be Satisfyed about the Money which was Borrowed out of the Treasury —

I Pray You to Give Proper Directions for an Honourable Reception of Collo Burges Our Governer When he Shall come among us, and

to Nominate & Desire proper Persons to Congratulate and Pay y^e^ Dutyfull Respects of this Goverment when it shall Please God to bring him into this Countrey.

The Necessity of haveing an Assembly hath Occationed such a speedy Conventian what is now needfull may be Considered & Dispatched for probably the Arrivall of y^e^ Gov^r^ may Occation another Session and it is my Hope and Desire that no former Disagrements or Differences whatsoever may put us out of y^e^ way of our Duty to y^e^ Crown & Goverm^t^ but Rather that Our Past Contentions may make us more Desirous of our Own and all Our Neighbours Peace & Tranquility Geo : Vaughan

9^br^ 8^th^ 1715

* Adjorned for two hours * 1–121

Returned According to Adjornment

Present As In the Morning the Whole house

Voted M^r^ Rich^d^ Wibird and Cap^t^ Peter Ware a Committe of this House to Joyne with Such as may be Chosen of the Councill to view the Prison and make Report to the Generall Assembly of what is proper to be Done therein

Copia

Adjorned to the 10 Ins^t^ 10 Clock

Nov^r^ 10^th^ The House mett according to Adjournment ℔sent the whole House Except Coll^o^ Walton & Theo. Atkinson Esq^r^—Coll: Walton & Atkinson present

The House being Informed that M^r^ Jabez Dow Is At this present time A Constable in the Town of hampton and he owning Himself so to be Is thought A person Unqualifyed and therefore by order of the House he Is Dismissed And A Notificaton sent to the Town of hampton to Choose One in his Room that May be Qualifyed

* A Letter from L^t^ Gov: Usher Directed to the Generall * 1–122 Assembly being Read The house thought It proper to Desire the sight of L^t^ Gov: Vaughans Comsn Which Was sent Down by the Cler of the Councell And Read Which Well Satisfyed the House: And In answerr to Coll: Ushers Letter

Voted That Coll Walton & Cap^t^ Davis Joyne two of the Gentlemen of the Councel to Wait on Coll: Usher to Answear his Letter

Adjorned for two hours

Returned According to Adjornm^t^ Present the Whole house

Adjorned Untill the 11^th^ Ins^t^ 10 of Clock

11 Nov: 1715 The House Mett All present

A Vote for Allowence of Each Gentleman of the Councell four shilings Each Day they Attend Duering the Setting of the General Assembly Sent Up

* 1–123 * A Vote that Coll : Walton be Joyned With Cap^{t} Hunkin

Answer to L^{t} Gov^{rs} Speach

Att the Last Session of y^{e} Gen^{l} Assembly a Committe was Chosen to view the ffort at New Castle and Make Return of y^{e} Circumstances thereof and According to their Return we shall Proceed thereon —

Wee have Chosen a Committe to Look into y^{e} Defects of y^{e} Prison and shall act y^{e} needfull upon their Return

Wee Appoynt Coll^{o} Walton in y^{e} Room of M^{r} Wingate to see the Remains of y^{e} Prov : Bills burnt and Order it to be Done forthwith

As to the 1500 Left with a Commitee to be Let out We are Satisfyed that it is Done and Sufficiant Bonds taken for the Security thereof Pursuant to the Act therfor and Order the Bonds to be Left in y^{e} Custody of the ℔sent Speaker of this House Rich^{d} Gerrish Esq^{r}

Wee are Informed that His Excellency Coll^{o} Burges will not be here this Winter so think We may seasonably make Provision for his Reception at y^{e} next Session of y^{e} Gen^{l} Assembly

* 1–124 * Adjorned for Two hours

Mett Accordingly & Presant as Above

Presented a Peticion ℔ Cap^{t} Nath^{l} Hill from Sundry Inhabitants of y^{e} Parish Call^{d} Oyster River

Upon Reading of said Peticion

Ordered That the Selectmen of Dover and the Constable of y^{t} District call^{d} Oyster River be Notifyed to Attend y^{e} Next Session of y^{e} Gen^{l} Assembly & some of y^{e} Petition^{rs} Appear Likewise with y^{e} Town Records Relateing to said Parish

Adjorned to the 12 Ins^{t} 10 of Clock

12th Nov : 1715 The House Mett Acording to Adjornment present

M^{r} Speaker	Thing	Gilman
Walton	Tebbets	Esman
Jaffrey	Dam	Smith
Davis	Atkinson	Wear

* 1–125 * Voted That the Prison Remain Where it now stands this Winter and what is absolutely Necessary to Secure the Prisoners for y^{e} Present be forthwith Done.

12 Nov: 1715

The House Sent for by the L^t Gov: for a Conference And proposed the Ill Consequence of the Scituation of the Prison

The House Returned and Considering the Matter

Voted That the Present Goal Remain where It Now Stands Untill Next Year and What Is Absolutely Necessary to Secure Prisoners y^rin this Winter be forthwith Done and that Next Spring this be Removed or A New one built In Some Other More Convenient place As the General Assembly Shal think ffitt

12 Nov: 1715

* The House by the L^t Governour Adjorned to Munday the 28^th^ Ins^t^ And Accordingly the House Is Adjorned to The 28 Nov: 1715 twelve of Clock * 1–126

Nob^r^ 28^th^ The House mett according to Adjournment ~~P~~sent

y^e^ Speaker	Cap^tt^ Davis	M^r^ Dam

The House is adjourned to y^e^ 29^th^ Ins^tt^ twelve a Clock

Nov: 29 Mett According to Adjornm^t^ Present

M^r^ Speaker	Dam	Atkinson
Davis	Walton	Tebbets

Adjorned for two hours./ mett According to Adjornment present as in the Morning

The Messenger of the Assembly Sent by the L^t^ Gov: to know * If their Were A house of Represnt^s^ by order of the Speaker Cap^t^ Davis Went to the Councel Chamber to Aquaint the L^t^ Gov: & Councell their Were Noe Representatives from Hampton Exeter Nor Kingstown And Cap^t^ Davis Returned that The King Buisness Wanted the House to be filled * 1–127

ordered That the Deputys of Each Town Viz: Hampton Exeter & Kingstown be Notifyed And Accordingly Notifycations Are sent for the Several Deputys to Appear At the House tomorrow morning Ten of Clock Unto Which time the House is by the Speaker Adjorned

30^th^ Nov^r^ 1715 House Mett Present As Yesterday

M^r^ Speaker	Dam	Walton
Davis	Tebbets	Atkinson

* Adjorned for Two hours — * 1–128

Mett According to Adjornment Present As in the morning M^r^ Epha: Marston Appearing and brought A Certificate from Hampton that he was chosen As Representative in the Room of M^r^ Jabez

Dow Cap^{t} Davis ℔ the Speakers order Informed the L^{t} Gov: & Councell thereof —

Noe More Appearing Untill Seven of Clock

The House by the Speaker Adjorned Untill the first of Dec: Ten of Clock

1 Decem^{r} 1715 Mett According to Adjornment Present

M^{r} Speaker	Smith	Dam
Tebbets	Davis	Atkinson
Gilman	Walton	

* 1–129 * The L^{t} Gov: being informed that Cap^{t} Gilman was Come to the house And that When m^{r} Marston was Qualifyed there Would be A house M^{r} Penhallow Attended by the Cler of the Councell Came to the House and M^{r} Marston was Qualifyed by takeing the Oaths signing the Tes^{t} &c:

Adjorned for two hours

Mett According to Adjornm^{t} Present

M^{r} Speaker	Smith	Gilman
Davis	Dam	Marston
Walton	Tebbets	Atkinson

The Cler: of the Councel brought A Vote for the Printing the Laws of the Province Concured With —

Voted that An Act be passed Concerning Bankrupts &c

* 1–130 * Cap^{t} Davis And Coll: Walton Chosen A Comitte to Joyne wth Mess^{rs} Penhallow and Wentworth to Draw up the Act About Bankrupts &c

Adjorned to the 2^{d} Decem^{r} ten of Clock

2^{d} Decem^{r} 1715 Mett Present As Yesterday

M^{r} Penhallow Came from the Councel With Several Papers Relating to the Petetion of sundry Inhabit^{s} of Oyster River With the Answer thereto by Many In the S^{d} District; With the order of the L^{t} Gov: & Councell thereabouts

* 1–131 The House Not hearing the Partys thereon * And m^{r} Penhallow Informing that the Matter was Adjorned to the next session of the General Assembly make Noe order thereon but a Messenger was Sent With the s^{d} Papers that the Mind of the house Was that the L^{t} Gov: & Councels Authority Was Suffitient for ordering the Collection of Any Money Due to Any Minister being Agreed With According to law

Adjorned to the third Dec:

3d Dec: 1715 Mett According to Adjornment Present As Yesterday

Messrs Walton & Davis Joyned With the two Gentlemen of the Councell to Draw up An Act About Bankrupts &c: Make their Return Which Was Allowed And the Act Signed by the Speaker

* Voted mr Speaker Gerrish, Major Smith & mr Atkinson * 1–132 Joyne wth Messrs Plaisteed & Hunkins As A Comitte to Revise theLaws &c

Adjorned to the 20th Inst twelve of Clock by order of the Lt Govr

20th Decemr 1715 Mett According to Adjornment Present

ye Speaker	Captt Davis	Mr Thing
Theodor Atkinson Esqr	Captt Wibird	Mr Dam
Mr Geo: Jaffrey	Captt Gilman	Coll Walton —

The house is adjourned for two hours

Mett According to Adjornment Present As in the Morning

A Vote Came from the Lt Gov: & Councel by their Cler: sent Down for settleing a Constables Watch Concured with —

* Mesrs Jeffrys & Atkinson A Comitte to Draw up the Act * 1–133

Adjorned by the Speaker to the 21st Inst 10 of Clock

21 Decemr 1715 Mett Present

Mr Speaker	Dam	Smith
Geo: Jaffrey	Thing	Wear
Davis	Wiberd	Marston
Tebbets	Walton	Gilman
	Atkinson	

Adjorned for two hours

Returned According to Adjornment Present As in the Morning — The Cler: of the Councel Came to the House from the Lt Gov: to Desire A Conference; Accordingly the House Went to the Councell Chamber * and Discoursed on the following affairs * 1–134 vizt

Runing Town Bounds, Raiseing Money prohibet Exporting Wood. Settle ye Proportion of ye Prov: Tax for Kingston & The Shoales Limitt ye Number of Publick houses in ye Severall Towns, and about ye Due Celebration of ye Sabbath — and Returned to the House

The House Adjourned to the 23d 10 a Clock

Dec^{r} 22^{d} The House Mett ℔sent

Maj^{r} Smith	Geo : Jaffrey	M^{r} Mastin
M^{r} Wibid	Atkinson	M^{r} Tibbets
M^{r} Thing	Cap^{t} Davis	Walton
Cap^{t} Gilman	M^{r} Dam	

Adjourned for two hours —

Mett Present As in the Morning
The Speaker being Absent M^{r} Gaffry And M^{r} Atkinson Acquainted the House that the Speaker Gerrish Was Very Indisposed And Not Capable of Coming to the House Major Joseph Smith Chosen Speak^{r} Pro tempore

* 1–135 * Whereas y^{e} Multiplicity of Taverns tend to Disorders

Voted That the Number be Limitted viz^{t}

The Town of Portsmouth Six
The Town of Hampton Three
The Town of Dover two Oyster River one
The Town of Exiter two
The Town of New Castle Two
The Town of Kingston one
The Parish of Newington one

And No More within y^{e} Province and all Other Tippleing houses Suppressed. The Justices at the Quart^{r} Sessions to Appoynt & Lycence the Said Publick Houses or Taverns —

Voted That there be at Least fourteen Day's Notice given to y^{e} Inhabitants of y^{e} Severall Towns before the Generall Choyce of Representatives and Seven Day's Notice for a particular Choyce of a Single Member —

Voted That the shoales be Notifyed to send a Member to Represent them in y^{e} Generall Assembly

Voted That the Town or Parish Bounds be Perambulated & a Committe Appoynted therefor

The House Adjourned to y^{e} 23^{d} Ins^{t} 10 a Clock Ante Meridiem

Dec^{r} 23 The House Mett ℔sent

M^{r} Speaker	Coll^{o} Walton	M^{r} Dam
M^{r} Thing	Th^{e} Atkinson	Geo: Jaffrey
M^{r} Wibird	Cap^{t} Gilman	Maj^{r} Smith
M^{r} Ware	M^{r} Marston	Davis
	M^{r} Tibbets	

*Voted That the Town or Parrish Bounds Within this Province formerly Appointed to be Perambulated by a Comitte for * 1–136

Portsm°	Mark Hunkings Esq^r
	Cap^t Rich^d Wiberd
Hampton	Mess Peter Wear
	Joshua Wingate
Exeter —	Nich: Gilman Esq^r
	M^r Jona: Wadleigh
Dover	James Davis Esq^r
	Cap^t Timo: Gerrish
New Castle	John Frost Esq^r
Kingstown	M^r Jona: Sanborne

The Major part of Which Comitte Shall Make their Return to the Gener^ll Assembly As Soon As May be After they have Accomplisht It by order &c

Copia 23 Dec: 1715 Theo: Atkinson Cler:

*Voted That the Comitte be Allowed Each seven Shilings ℔ : Day for their service Duering the time thereof And If Any Refuse or Neglect to give their Attendance being legally Notifyed It shall be in the power of the Select men of Each Town to Choose Another in his Room And Each town to pay their own Comitte by order of the House * 1–137

Copie 23 Dec: 1715 Theo: Atkinson Cler

Adjorned for two hours

Mett At the Speakers house he Not being Capeable of Going to the Useal place present

M^r Speaker	Atkinson	Smith
Jaffrey	Davis	Wear
Wiberd	Tebbets	Marston
Walton	Gilman	Dam
	Thing	

Adjorned to the 24^th Ten of Clock

*Decem^r 24^th 1715 Mett Att the Assembly House Present * 1–138

Smith	Davis	Thing
Wear	Dam	Gilman
Marston	Tebbets	Walton
Jaffrey	Wiberd	Atkinson

The Speaker being Incapable of Coming to the House Major Smith Chosen Speaker pro temporee

A Vote sent Down from the L^{t} Gov : & Councell Relateing to Runing the bounds of the Towns or Parrishes something Differing from our Vote Yesterday Concured With & sent Up

The Giveing of Credit and Book keeping Being Necessary in Carrying on Trade.

But Acco^{ts} Long Depending often prove of Ill Consequence for Preventing of which

Voted That no Book Debt shall be Recoverable from the Date hereof that shall be of more than three Years Standing unless y^{e} Debt be under forty shill & that an Act be Drawn up Accordingly wth Necessary Exceptions

* 1–139 * Voted That Starr Iseland be a Town Caled by the name of Gosport

The Speaker proposed the giveing A present to the L^{t} Gov : Voted

* 1–140 * By the L^{t} Govern^{r} Adjorned Untill Munday the 2^{d} Jan^{ry} Next 12 of Clock

2 January 171$^{5}/_{6}$ The House Mett Present

Davis	Marston	Jaffrey
Tebbets	Gilman	Wiberd
Walton	Thing	Smith
Atkinson	Dam	Wear

The Speaker being not Able by Reason of Sickness to Come to the house In order to Settle the house Major Smith Chosen Speaker pro temporee

Mess^{rs} Davis & Tebbets Sent to the Councel board to Inform them their was a house And Desired to be Informed Whither they had Considered several Votes sent formerly from this house they Returned their was Not A Councell

Adjorned till the 3^{d}

* 1–141 * The House Adjourned to y^{e} 3^{d} 10 a Clock. —

Jan^{r} 3 : The House mett ℔sent

Maj^{r} Smith	M^{r} Wibird	M^{r} Ware
M^{r} Mastin	Atkinson	M^{r} Dam
Cap^{t} Gilman	Cap^{t} Davis	Coll^{o} Walton
M^{r} Thing	M^{r} Tibbets	Geo : Jaffrey

Maj^{r} Smith Voted Speaker pro Tempore — M^{r} Sam^{l} Thing Clarke protempore.

The House Adjourned to 2 a Clock Post Merid^{m}

Mett Accordingly ℔sent ut Supra — Except M^{r} Wibird & Cap^{t} Davis —

A Vote Sent from y^e^ L^t^ Gov^r^ & Councill That An Act be Pas^t^ for y^e^ Suppressing Disorders in Licenced Houses and in Order thereto That Titheing men be Chosen and Sworn in Each Town within y^e^ Province to Which to the House

Vote a Concurrence —

The House Adjourned to y^e^ 4^th^ Ins^t^ 10 a Clock —

* Jan^r^ 4^th^ The House Mett ℔sent * 1–142

Maj^r^ Smith	M^r^ Dam	M^r^ Thing
M^r^ Tibbet	Geo : Jaffrey	M^r^ Mastin
M^r^ Ware	Coll^o^ Walton	Atkinson
	M^r^ Gilman	

Maj^r^ Smith Chosen Speaker pro tempore M^r^ Sam^l^ Thing Clarke pro Tempore —

Adjorned for two hours

Mett Present

Maj^r^ Smith	Thing	Ware
Walton	Atkinson	Dam
Gilman	Marston	Jeffrey
	Tebbets	

Adjorned to the 5^th^ Ins^t^ ten of Clock

Jan^r^ 5^th^ The House Mett ℔sent

Cap^t^ Gilman	M^r^ Tibbets	M^r^ Dam
M^r^ Wibird	M^r^ Atkinson	Geo : Jaffrey
M^r^ Mastin	M^r^ Ware	Coll^o^ Walton
	M^r^ Sam^l^ Thing	

Voted M^r^ Sam^l^ Thing Clarke protempore

Adjourned for two hours —

* Mett ℔sent as before * 1–143

Voted Theod^r^ Atkinson Esq^r^ Speaker pro Tempore

A Vote concerning y^e^ Oblidgeing Persons to attend some Publick Service on y^e^ Sabbath Sent from y^e^ Lt Gov^r^ & Councill. to w^ch^ Ordered that Nothing be Acted theron there being a Law in y^e^ Prov : Relateing thereto — as allso a vote for giveing Jn^o^ Partredge twenty pounds — Not Allowed

Voted Coll^o^ Walton & M^r^ Wibird a Committe to Joyne with y^e^ Committe of y^e^ Councill to Draw up an Act About Book Debts —

Voted That there be a Committe Appoynted to Receive y^e^ Claimes & Audit y^e^ Publick Acco^ts^ of the Province —

Voted Majr Smith Mr Saml Thing & Geo : Jaffrey be of ye Committe Above said to Joyn with Collo Waldron Jno Wentworth & Jno Plaisted Esqrs Chosen by ye Councill —

Voted Marke Hunking & Saml Penhallow Esqrs Majr Smith Mr Pr Ware. & Mr James Jeffrey accompanying them be a Committe of this Province to Joyne & mett the Persons Appointed by the Massathusetts to Run ye Divideing Line between this & that Province —And that they be allowed ten shill ℔ Diem —

* 1–144 * Haveing Appointed a Committe to Revise the Claimes & Audit ye Accot of ye Prov :

Voted That Upon the Return of said Committe Wee will make Provision for the Payment of what they shall find to be Due when Allowed by the Genl Assembly

Jan 5th 1715

The House Adjourned to ye 6th Inst 10 a Clock —

6 Janry 171$^{5}/_{6}$ Mett Present

Walton	Jaffrey	Dam
Wiberd	Atkinson	Marston
Gilman	Wear	Tebbets
	Thing	

Voted Theodr Atkinson Esqr Speaker pro tempore

A Vote sent Down from ye Lt Govr & Councill for an Address Congratulatory to the Kings most Excellent Majesty on his Deliverance from a hellish Conspiracy &c

Voted Wee are allways thankfull for his Majesties Preservation and Rejoyce at ye Detecting of Conspiracies against his Sacred Majesty & Goverm^{t} But the News being somewhat uncertain think proper to Suspend an Address untill further Information/

* 1–145 * Voted that New Castle bounds Run Southwest from Sampsons point And then by hampton bounds to the Sea —

Adjourned to the 7th Inst 10 Clock

7th Janry 1715 Present As Yesterday

Voted Theodr Atkinson Esqr Speaker pro Tempore

Voted That an Execution upon Land shall give a Good Title to it in four Years after Return of sd Execution

Being Informed that thrô ye Sickness & Death of Charles Storey Esqr Deceased Late Secretary of ye Prov : Severall Laws Enacted in May 1714 had not ye Seale of ye Prov : Affixed to them

Voted That the Seale of ye Prov : be forthwith Affixed to those Laws that they may be in force as thô Sealed in Season and they be Printed with ye other Laws —

Adjorned to Wedensday the 11th Inst Ten of Clock by order of the L[t] Gov:

* 11 January 1715 The House Mett According to Adjornm[t] * 1–146
Present

Major Smith	Coll Walton	M[r] Dam
M[r] Wear	Theo: Atkinson	M[r] Jaffrey
M[r] Marston	Cap[t] Gilman	Cap[t] Wiberd
	M[r] Tebbets	

Major Smith Chosen Speaker Protempore

Adjorned Untill the 12th Inst 10 of Clock

12th Jan[ry] 1715 Mett Present As Yesterday

M[r] Treasurer Penhallow Came to the House and Informed the Speaker that he was Chosen by the Councell to Receve from Mad[m] Storey What Publick papers yet Are in her hands And Desires one May be Chosen To Joyne In that Affayre M[r] Geo: Jaffrey Was Chosen —

* The House Adjourned ℔ the Speaker for two hours * 1–147

Mett ℔ sent as before

A Message sent Down from the L[t] Gov[r] & Councill that they Resolved not to Delay an Address to his Majesty upon Which

Voted That this House Joyne with y[e] L[t] Gov[r] & Councill to Address his Majesty's Safe Deliverance from the Hellish Conspiracy and a Committe be Chosen out of both Houses to Draw up an Address Accordingly

Adjorned to the 13th Inst 10 of Clock

Jan[r] 13th The House Mett ℔ sent

Maj[r] Smith	M[r] Tibbets	M[r] Ware
Cap[t] Gilman	Atkinson	Geo: Jaffrey
M[r] Mastin	M[r] Dam	Walton
	M[r] Wibird	

Voted Maj[r] Smith Speaker pro Tempore

Voted And be It Enacted &c: That A Constables Watch be sett And An Act Drawn Up Accordingly

Adjorned for two hours

Returned According to Adjornm[t] Present As in the Morning

* 13 Jan[ry] 1715/6 A Vote from the Councell board for * 1–148
Chooseing two to Joyne As A Comitte With Rich[d] Waldron
And Sam[ll] Penhallow Esq[rs] to Draw Up An Address to the King

Mess[rs] Geo: Jaffrey And Theo: Atkinson Chosen of this house to

Joyn with y^e^ Committe of y^e^ Councill to Draw up the Address pursuant to Our Vote —

Adjorned^d^ to the 14^th^ Ten of Clock

14^th^ Jan^ry^ 1715 Mett Present As Yesterday Except M^r^ Tebbets
The Comitte for Drawing An Adress To his Majesty Returned With their Address Viz

* 1–150 * Which Address Was Voted In the House Then the House was sent for by the L^t^ Govern^r^ And having Passed two Acts Viz :

1 for a Constables Watch
2 for Regulation of Lycenced houses &c

* 1–151 * By the L^t^ Govern^r^ Adjorned to the first Day of March Next

6 Feb : 1715/6 The House by A Special order from the L^t^ Gov : & Councell Mett Present

Major Smith	Cap^t^ Davis	Cap^t^ Wiberd
M^r^ Wair	M^r^ Tebbets	Coll Walton
M^r^ Marson	M^r^ Dam	Atkinson
	m^r^ Jaffrey	

M^r^ Jaffrey & Cap^t^ Wiberd Were Desired to Attend m^r^ Speaker Gerrish And know Whither he was Capeable of Coming to the House or If they Shuld Meet At his house they Returned that he Was Not Able to Come Abroad but If they pleased they Might Meet At his house the House sent for by the L^t^ Govern^r^ ; Major Smith Chosen Speaker protempore

* 1–152 * The L^t^ Gov : Speech Delivered After The Cler : of the Councell had Read It Viz

Gen^t^ When you were here At your last sessions We foresaw Nothing w^ch^ Would Demand your Attendance Untill March the time Appointed for your Meeting but Sundry things Intervening it was the Advice of his Majestys Councel to Call you together this Day/. What I have to Offer to you I hope will Not Admit of A long Debate your Resolves May be Speedy — I have Sundry times Recomended the Matter of the prison^s^ Deficiency to your Consideration You Are not Insencible of two mens Escaping thence but Upon Application to his Hon^r^ Coll : Tailer of the Neaboring Goverm^t^ he Issued out his order for their Apprehentions so that one of them is Returned to Prison and the other Secured In Salem Goal In order to be

* 1–153 sent heither * By Restoring the first the Province hath Saved At Least £300 : Which the C^rs^ Were About to sue for And would have Infalibly Recovered And by both Wee laid Under g^t^

obligations to that Goverm^t^ I am to Inform you It was the Advice of the Councel that A Gaurd of two men Shuld be placed over the Prison till the Court of Goal Delivery Comes in Its turn which is Next week wherby An Accruing Charge lyes on the Goverm^t^ And Doubtles your Care will prevent It for the future

I would Observe to you that where no Discipline And Rig^r^ is to punnish offenders their Can be No Expectation of A Civil Decorum And where No Prison in A Common Wealth No Restrant from Illegal behaviour And Trespases so that our Goverm^t^ Is but A Name And Not the thing/. I Am Inform^d^ that the laws Are fited for the press —

M^r^ Treasurer Penhallow has been Att Boston And tells Us he hath Discorse^d^ * The Printer As he Can Inform you I * 1–154
am of Opinian No time shuld be lost Your Money lyes Dead in the Treasury so that we have No Advantage in Delay

Gen^t^ I have Another thing to Informe you but Whither It Concerns you As Representatives of your people I shal Not Determine but As you Are My Neabors I think it Incumbant to let you know That I have Receved A leter from the Administra^rs^ of the Estate of S^r^ Cha : Hobby Decesed who As they Relate Did buy half the title to this Prov. how far It Respects you you May Consider they offer you the Purchase but I Am of Opinian Goverm : hath Nothing to Doe with purchases but Especially Not without his Maj^ts^ Royal Lycence had and Obtained of the two former I Doubt Not but you will take Effectual Care And the sooner you Doe It you May Return to the Managem^t^ * of your own private Affayres I know the Sea- * 1–155
son of the year Calls you to your Respective buisineses ; If you think of Any thing by way of Preliminary that you Can Advise me in (to give the Comitte of this Prov : Appointed to Meet the Comitte of the Pro : of Massathusets to Run the Partition line betwen those two Gov^mts^) You have Now An Oppertunity What I have farther to Offer I shall Deferr till your sessions in Corse Which is A More Leasure Season of the Year

Copia Feb : 6^th^ 1715/6 Geo : Vaughan

Adjorned to the 7^th^ Ins^t^ nine of Clock to M^r^ Speaker Gerrishes

7 Feb : 1715/6 The house Mett Present As Yesterday M^r^ Speaker Gerrish and m^r^ Thing & m^r^ Esman —

* In Answer to the L^t^ Gov : Speech * 1–156

The 12^th^ Nov : last a Comitte made A Return About the prison Upon Which Wee Voted the Needful y^r^on As to the laws we Expect the Comitte Appointed to Collect And Revise them Make A

Report thereof to the General Assembly Upon w^ch^ Wee Desire they may be printed so Soon As May be According to our former Vote

As to the Title of the land Wee Are of the Same Opinian that As Wee Are Representatives It Dos Not belong to Us

Wee Desire that the Comitte Apointed to Run the partition line betwen the Massa^ts^ & this Province May be Impowerd And proceed When they have Notice from the Massathusets

* 1–157 * 1 March 1715 The House Mett According to the Adjornment from the 14^th^ Jan^ry^ last Present

M^r^ Speaker Gerrish	Atkinson	Gilman
Wiberd	Jaffrey	Thing
Walton	Davis	Easman
	Smith	

Mett Att M^r^ Speaker Gerrishes ; Cap^t^ Rich^d^ Wiberd Sent As A messenger to the Councel to Inform the Councel that Wee Were A house he Returned his answear that the Councel Would send the house A Messenger —

The Clark of the Councel Came to the house And Informed that the L^t^ Governour was so Indisposed that he Could Not Come to the Councel this Day but was in hopes to be there tomorrow

* 1–158 and If the house had Any thing to * offer they were Redy to hear them otherwais they would Adjorn till the 2^d^ Ins^t^ 10 of Clock

Adjorned by the Speaker to the 2^d^ Ins^t^ ten of Clock

2 March 1715/6 Mett Present As yesterday & M^r^ Tebbets — ; The Cler: of the Councel Came to the house and Informed that the Councel Were Adjorned to Tuesday the 3^d^ of April And this house Is Accordingly Adjorned to the 3^d^ April Next

3 April 1716 The House Mett According to Adjornment Present

M^r^ Speaker Gerrish	Marston	Tebbets
Jaffrey	Gilman	Walton
Wiberd	Thing	Atkinson
Wear	Davis	Easman
	Dam	

* 1–159 * Adjorned to the 4^th^ Ins^t^ 10 Clock

4 April The House mett According to Adjornment present as yesterday

Adjorned for two hours

Returned According to Adjornment

A Vote Sent Down from the L[t] Gov : & Councel for building A Court house/. Under Consideration

Adjorned to the 15[th] 10 of Clock

5 April Mett According to Adjournment, Present the Whole House

Voted Cap[ts] Davis & Wiberd A Comitte to Joyne John Plaisteed & Mark Hunkins Esq[rs] As A Comitte to View his Maj[ts] ffort At New Castle And make Report thereof According to the Vote from the Councel on file Adjorned to the 6 Ins[t] 10 of Clock

* 1716 6 April the Whole house Mett According to Ad- * 1–160
jornment

Adjorned to the 7[th] Ins[t] Ten of Clock

7[th] April the House Mett Present the Whole House

A Petetion of Sam[ll] Cutt Read and Concured According to the Vote of the Councel for the Sayle of some land At Oysteriver

The Comitte for Examining the fort & Stores &c : At New Castle Made Their Return As on file

The Comitte for Revising and Printing the laws made their Returne As on file forty nine In Number Ordered that they be Printed forthwith

* Voted That their be A Prison built In the town of Portsm[o] * 1–161
At the Expence of the Province The S[d] Town to Provide Land to sit itt on W[th] Conveniency for yard Room At their Charge and that the Timber of the old be Improved therabout So far As may be Convenient And that Mesrs James Davis & Geo : Jaffrey be A Comitte of this house to See It Imediately Effected And that The Treasurer suply Money for Discharging the Cost thereof — that the building A Court house be suspended for A time Wee Desire the Comitte for Auditing the Publick Acco[tts] to give Notice when the Will Examin them & When Done Make their Return of all D[ts] Upon Which At our Next Meeting Wee will Repeat Money for payment of them that Shall be Allowed by the General Assembly and for What ever Else May then be Needfull *And * 1–162
In Case His Excellency Coll Burges Arrive here before our Next Meeting

Voted That the Treasurer Suply for his Reception and that his Entertainm[t] be At Coll : Packers House And upon his Arrival M[r] Speaker Gerrish Mes[rs] Atkinson & Jaffrey be Mes[rs] from this house to Joyne with such to be chosen of the Councell to Complement & Congratulate him on his Arrival

Voted That Benjamin Acerman be Allowed Seven Pounds ℔ : annum for the future out of the Treasury for his Attending the Councel And Assembly

The House by order of the L^{t} Gov : Adjorned to the 1 of May Next And Accordingly the house Is Adjorned to the first of May

* 1–163 * 1716 May 1 The house Mett According to Adjornment Present

M^{r} Speaker Gerrish	Wear	Dam
Jaffry	Marston	Easman
Wiberd	Gilman	Walton
Smith	Davis	Atkinson
	Tebbets	

Cap^{t} Davis sent to the L^{t} Gov : And Councel to Inform that the house Were Mett/. Returned that their Was Not a Councel And that they Were Adjorned to the 2^{d} Inst

The house by the Speaker Adjorned to the 2^{d} Ins^{t} 10 of Clock

May 2^{d} The House Mett ℔sent

M^{r} Speaker Gerrish	Maston	Easman
Jaffrey	Dam	Atkinson
Wibird	Gilman	Walton
Ware	Davis	Smith
	Tibbets	

* 1–164 * Adjorned for two hours

Returned According to Adjornm^{t} Present the Whole House Except M^{r} Sam^{ll} thing

The Committe ffor Runing the Line between the Massathusets & this Province made their Return As on file

The Committe for Auditing the Acco^{ts} of the Province Made their Return 14 Acco^{ts}

Adjorned to the 3 May Inst

May 3^{d} 1716 The House Mett. ℔sent

M^{r} Speaker Gerrish	M^{r} Tibbets	Maj^{r} Smith
Cap^{t} Davis	Coll^{o} Walton	Geo : Jaffrey
Maj^{r} Gilman	M^{r} Wibird	M^{r} Easman
M^{r} Mastin	M^{r} Ware	Atkinson

In Answer to a Vote of y^{e} L^{t} Gov^{r} & Councill about an Action of Appeal Depending betwen Maj^{r} W^{m} Vaughan & Ed Cate.

Voted That as y^e^ Appeal is to y^e^ Gov^r^ & Councell & not to this House We Doe not Concern therin —

* The Peticion of Hugh Bonfield Read and the Vote of y^e^ L^t^ Gov^r^ & Councell theron In Answer to which * 1–165

Voted That the Request in Said Peticion be not Granted — nor Said Vote of L^t^ Gov^r^ & Councill Concured with

The House Adjourned to 3 a Clock P M —And Mett Accordingly

on Veiwing the Return of the Comitte for Auditeing the Acco^tts^ of the Province N° 10 M^r^ Sheriff Phipps Acco^tt^ being Perused Allowed As on file £14 : 18 : — And for the future No More then Six pound ℔ : Annum for his Expresing Lettrs Waiting on the Gov : and Councell &c —

Adjorned to the 4^th^ 10 of Clock

4^th^ May 1716 The House Mett According Present the Whole house Except M^r^ Thing

Voted That y^e^ L^t^ Gov^r^ & Councill may further Continue y^e^ Appeal Depending between Maj^r^ W^m^ Vaughan Esq^r^ & Edward Cate any Law Usage or Custom to y^e^ Contrary notwithstanding —

* The Petetion of Nath Hill and Other Inhabitants of Oyster River being Read and An Answear therto by ffrancis Mathews and Other Inhabitants of the same parrish being Considered It is thought fitt to grant the Petetioners their Request As ℔ : Vote on file Cap^t^ Davis & m^r^ Tebbets Desent * 1–166

Adjorned to the 5^th^ Ins^t^ 10 of Clock

5 May mett Present As Yesterday Except Major Smith

Voted that the L^t^ Gov : & Councell be Allowed 5^s^/ ℔ : Day Duering the setting of the General Assembly In Consideration of Which they be Wholley At their own Expence

Mess^rs^ Waldron & Hunking of the Councel Attended With the Cler : Came into the House Adjorned them to Munday the 14^th^ Ins^t^

* 14^th^ May 1716 The House Mett Present * 1–167

M^r^ Speaker Gerrish	Davis	Atkinson
Marston	Walton	Smith
Thing	Jaffrey	Dam
	Wiberd	

Adjorned to the 15^th^ 1716

15^th^ May The House mett ℔sent

Mr Speaker	Geo : Jaffrey	Coll° Walton
Capt Davis	Mr Easman	Majr Smith
Mr Wibird	Mr Thing	Wire
Mr Dam	Ephra Mastin	Atkinson
	Mr Tibbets	

The Peticion of Coll° Packer and Sundry the Inhabitants of ye Town of Portsm°. Read. and in Answer to which

Voted That ye Peticion therin mentioned yt was formerly Prefered be Considered of, and in order therto that Capt Richd Wibird Waite on ye Lt Govr & Councill to Desire ye sd Peticion may be Sent Down to this House or a Copy thereof.

The House Adjourned to 3 a Clock

* 1–168 * May 15th 1716 A Vote Sent to ye Lt Govr & Councill that the Peticion of Coll° Packer &c Inhabitants of ye Town of Portsm° that was formerly present and not yet prefered to this House be Layd before ye House —

For ye Preventing of any future Disturbance and Differance that has or may Arise in ye Town of Portsm° about ye Ministers Sallery's in ye Town

Voted That the Subscribers to and Constant Hearers of ye Revrd Mr Rogers at ye New Meeting House Be Impowered and Inabled by an Act to Support him there in ye Ministry by an Equall Assesment on them Selves And that they be Excused Paying any thing towards ye Support of any Other Minister in ye sd Town untill Named and Chosen by an Assembly of all ye ffreeholders of ye Town according to an Act of Genl Assembly of ye 11th May 1714 and that ye Hearers of Mr Emorson have ye same Power for Raiseing his Sallery among them Selves —

Coll : Smith Desents Against the Above Vote

The House Adjourned to ye 16th 10 a Clock

May 16th The House Mett ℔sent

Mr Speaker	Mr Wibird	Geo : Jaffrey
Coll° Walton	Mr Tibbets	Atkinson
Mr Easman	Wear	Smith
Mr Dam	Capt Davis	Marston

* 1–169 * Whearas We have Perused the State of ye Province By ye Return of ye Committe for Auditing ye Publick Accots and by ye Treasurers Memoriall find there will be but a Small Sum Left in the Treasury after ye Debts are Pay'd &c.

Voted That ye fifteen hundred pounds now in the Treasury be Re-

peated for Payment of y^e^ Prov : Debts allready approved of & Such future Incident Charges as Shall be allowed of by y^e^ Generall Assembly and out of y^e^ Remaining Money two hundred pounds be Lett to y^e^ L^t^ Govern^r^ Coll^o^ Vaughan according to his Request and y^e^ Rest (if any be) to others all on the Like Security that the former fifteen hundred pounds was Lett at. Mess^rs^ Waer and Davis a Committe of this House for Leting out the money and takeing Security therefor —.

Mess^rs^ Jaffrey & Atkinson A Committe of this house to Draw up An Act Accordingly

Voted That the Act for Excise be Continued for the Insueing Year —

A Vote Sent Up for Encourgm^t^ of kiting Woolnes

Adjorned to the 17^th^ 10 Clock

17 May Mett Present

M^r^ Speaker Gerrish	Davis	Wiberd
Smith	Tebbets	Atkinson
Wear	Dam	Jaffrey
Marston	Walton	

* A Vote for Defering the payment of one half of the two thousand pounds Which Shuld have been Raised this year unto the year 1721 sent Down from the Councel Board Concured with * 1-170

Mess^rs^ Jaffrey And Atkinson A Commite of this house to Draw up the Act

A Vote for A New proprotion of the several towns & parrishes for the Collection of the Province Taxes sent up

Adjorned to the 18^th^ Ins^t^ 10 of Clock

May 18^th^ The House Mett ℔sent

M^r^ Speaker	Wibird	Jaffrey
Cap^t^ Davis	Dam	Wiar
M^r^ Mastin	Walton	Atkinson
	Tibbets	

Voted M^r^ Rich^d^ Wibird Clark pro Tempore —

* Wheras there is An Act for keeping free hold In Each town in this Province — for farther Incourgment of Clearing * 1-171

Voted that Where any parrish Is Sett of from any town to Maintayne A Minister by them selves they shall have power within

them selves to Agree With A Publick Scool Mast^{r} and to build or hyer A Scool house As they shall think Convenint and Duering his being in S^{d} Parrish they be Excused Paying to the free Schole of the town —

℔ Ord^{r} of the house of Representatives May 18th 1716

A Vote came from y^{e} L^{t} Gov^{r} & Councill for takeing of y^{e} 5 pC^{t} on y^{e} Bills of this Province To which

Voted a Nonconcurrance/

The Peticion of Cap^{t} Jn^{o} Pickerin & others. Read and Considered of upon which

Voted that it is a Scandelous Reflection and false Accusation aganst y^{e} Selectmen of y^{e} Town of Portsmouth Who have fairly Settled the Town Acco^{ts} and Brought them into Publick Town Meeting and there voted to y^{e} Satisfaction of y^{e} ffreholders of y^{e} Town as Appears by a Certificate from y^{e} Town Clark

Whearas there is an Act for keeping free Scholes in Each Town in this Province.

For further Incouragement of Learning.

Voted That Where any Parrish is Sett of from any Town to maintain a Minist^{r} by themselves they shall have Power within themselves to Agree with a Publick Schole Mast^{r} and to Build or hyre a Schole House as they shall think Conveniant and Dureing his Being in s^{d} Parish they be Excused Paying to y^{e} free Schole of y^{e} Town Provided it be a Gramar Schole/

* 1–172 * A vote that Iles of Sholes be Oblegd to pay their Province Tax in the Town of New Castle Concured With

Adjorned to the 19th 10 of Clock

May 19th The Hous met presant

M^{r} Speaker	Mastin	Tibbets
Cap^{t} Davis	Dam	Jaffrey
Wibird	Coll^{o} Walton	Ware

The House Sent for by y^{e} L^{t} Gov^{r} & Councill and after Passing three Acts. viz^{t} for continueing y^{e} Payment of 1000£ to y^{e} year 1720 y^{t} was to have bin Pay'd 1716 for Repeating fifteen hundred pounds for Continueing Maj^{r} Vaughans Action with Ed Kate —

and then Dissolved by y^{e} L^{t} Govern^{r}

* 1–173 * Pro^{v} New Hamp^{r}

Att A Genneral Assembly Caled by the Honble Geo: Vaughan Esq^{r} Caled the 21 August 1716

for Portsm^{o} Rich^{d} Gerrish Esq^{r}
Geo: Jaffrey Esq^{r}
Cap^{t} Rich^{d} Wiberd

Hampton	Joseph Smith Esq^{r}
	Peter Wear Esq^{r}
	M^{r} Epha : Marston
New Castle	Shad : Walton Esq^{r}
	Theo : Atkinson Esq^{r}
Dover	James Davis Esq^{r}
	M^{r} Sam^{ll} Tebbets
Exeter	Cap^{t} John Gilman
	L^{t} John Gillman
Newington	Cap^{t} John Downing
Streightham	M^{r} W^{m} Moor
Kingston	M^{r} Sam^{ll} Easman

* Then Appeared * 1–174

Gerrish	Marston	Downing
Jaffrey	Walton	Gilman
Wiberd	Atkinson	Gilman
Smith	Davis	Moor
	Tebbets	

Mark Hunkin & John Wentworth Esq^{rs} Attended by the Cler : of the Councell Were Sent by the L^{t} Gov : And Qualifyed the Above Members Who Were Sent for by the L^{t} Gov : to the Councel Chamber and ordered to Return to there own house And Choose A Speaker
Rich^{d} Gerrish Esq^{r} Chosen Speaker
Cap^{t} Rich^{d} Wiberd Cler :
The House being Sent for to the Councel Chamber and Presented their Speaker —
The L^{t} Gov^{rs} Speech^{s} Delivered As ℔ : Copia
Adjorned to the 22 Inst nine of Clock

* The L^{t} Gov : Speech * 1–175

Gent^{m} I have had thoughts of Convening an Assembly Some time Since & think there is a great Occasion for one, but y^{e} harvest of Hay & English Corn Season caused me for a while to deferr it not being willing toInjure aney nor especially y^{e} Publick good —

The occasion of Disolveing y^{e} last Assembly was verry distastefull to me there is a p^{r}ticular Dubty lyes on me as on you, on me not to Suffer the Revenue of the Crown to be lessoned & on you to Support the Hon^{r} & Dignity thereof

Gent of the Low^{r} House —

The matter of Impost is what every Goverm^{t} in the world doth butt we I have all y^{e} Inclination Imaginable to give full Satisfaction

to the whole goverm^{t} & to this Assembly in ꝑticuler in all things within my reach, but tis unhappy we cannot all Reason alike It wold rejoyce me that care might be taken to render the Administration of Government easie that Laws might be puntually observed, that evils may be redressed y^{t} you will putt trade and Customs on y^{t} foot w^{ch} is Just and may Lessen the publick Taxes —

Gent^{m} I would have an act past for y^{e} Treasu^{r} to State the accomp^{ts} of the Province y^{t} we may Know what mony has bin Emitted how much paid in how much burnt how much Lent how much out. w^{t} Revenue has bin to y^{e} Pro: y^{s} 10 years by those two branches of Excies & Impost w^{t} y^{e} mony is & how Imployed that we may Know our Condition

I hope you will have regard to the State of the Pro: in gen^{ll} y^{t} the Hon^{r} of the Kings Goverm^{t} may be Kept up & may not be Lessened by aney Sinester methods or faction —

* 1–176 * I think it Reasonable that Pedlers & petty Chapmen be provided agn^{t} by an act Obligeing all and everry Stranger Retailer of aney Commodity of ten pounds Value or that publickly shall sell to that Vallue of things inanimate give Securety to Answer the Assesm^{ts} within every town in this Pro: where y^{e} saile shall be made. I think it Reasonable that those that Stand by the Stuff should have the beneffitt of traffick to enable them to Support the Hon^{r} of governm^{t} that an act be made Obleigeing all town Officers to their duty on oath perticularly all Assesm^{ts} and that A town meeting be Called aney time at the Instance of ten free Holders and that a Law be provided for the mentannance of the Clergy & payment out of the publick treasury that they may be Honerab^{ly} Support^{d}, and that for the future none be Called but by Advise of the Mager Part of those Allredy Settled or Such as shall and that Each town within this pro that shall be destitute shall by lyable to A penalty provided in S^{d} Act beleving many good Consequencies may attend to good & Assay I hold it nessary that Excise be Settled by A law I am of Opinion that the Province has allready Lost two hundred pounds for want of an Impost —

* 1–177 * I would lett you Know that your Powd^{r} Hous has bin brocken open and three locks forced I hope you will be gratefull to M^{r} William Walles who has receved and forwarded You^{r} Addresses and that thay Have bin deliverd to the King and Receved verry graciously is Evident by the London gazzett —

These with the other necessaries I hope youle do wth all Imaginable disptch & y^{t} no Consideration may retard you^{r} good purposes

Aug^{t} 21 1716 Geo Vaughan

Augst 22^{d} The House mett according to Adjournment ℔sent

M^{r} Speaker	M^{r} W^{m} Moore	M^{r} Eph^{ra} Mastin
Maj^{r} Smith	Coll : Walton	M^{r} Sam^{l} Tibbets
Cap^{t} Davis	M^{r} Atkinson	Geo : Jaffrey
Cap^{t} Downing	M^{r} Jn^{o} Gilman	Rich^{d} Wibird
	Cap^{t} Jn^{o} Gilman	

* The Orders of the House Read and * 1–178
Voted to be Observed for the future

Sam^{ll} Easman Appearing for Kingstown According to Return Was Sent for to the Councel Chamber And Qualifyed

Adjorned for two hours

The Hous mett According to Adjornment Augst y^{e} 22^{d} 1716

M^{r} Speaker	Cap^{t} John Gillman	Cor^{ll} Sh^{a} Walton
Cor^{ll} Smith	Cap^{t} John Downing	The^{o} Atkinson Esq^{r}
Cap^{t} Davis	M^{r} Eph^{r} Mastin	Pet^{r} Wear Esq^{r}
M^{r} W^{m} More	M^{r} Sam^{l} Tebbits	M^{r} Sam^{ll} Easman
M^{r} John Gillman	M^{r} Geo : Gaffrey	Rich^{d} Wibird

Major Peter Wear Came to the House According to the Return of the Precept As A Deputy for the Town of Hampton Was Sent for to the Councel Chamb^{r} & Qualifyd

* The House adjourned to the 23^{d} 10 a Clock Ante Meridiem * 1–179

The Hous mett According to Adjornment & ℔^{r}sent

M^{r} Speaker	Cap^{t} John Gillman	Cor^{ll} Sha^{d} Walton
Cor^{ll} Smith	Cap^{t} John Downing	The^{o} Atkinson
Cap^{t} Davis	M^{r} Eph^{a} Mastin	Pet^{r} Wear Esq^{r}
M^{r} W^{m} More	M^{r} Sam^{ll} Tibbts	M^{r} Sam^{ll} Easman
M^{r} John Gillman	M^{r} George Jaffrey	Rich^{d} Wibird

In Answer to His Hon^{rs} Spech

Wee are Senceable of the Duty Incumbant on this House to Provide for Defraying the Publick Charges of y^{e} Province & Support the Hon^{r} & Dignity threof which we are of Opinion is most Reasonable to be Done by an Eqall Tax on all Persons & Estates within the Same and —

Vote that this House doe not Procead on an act of Impost for the Insuing Year —

We find ℔ the Journall of this House there has bin Standing Com'ittes from time to time who have Examined all the Treasurers Accompts which upon Return have bin Approved of and Accordingly Voted ℔ the Gen^{rll} Assembly but all Accomp^{ts} Since Such Vote we

Expect to Inspect into and Desire that the Treasurer Lay them before this House Seasonabley & that he forthwith make A Calculation of what summe of bills of Credit of this Pro: have bin Emitted what have bin Returned into the Treasury what burnt what Repeated & what Ltt out and to whom & the time Limitted

* 1-180 * When the Whole is to be Called in — The Act Allready in Being about Swearing Town officers we are of Opinion is sufficiant, & as to Calling towne Meetings We think the Law has made sufficiant Provision ther'for as Also for Payment of Ministrs Sallery's but Vote that there be an Act Drawn up Oblidging Such Towns or Parishes that shall willfully neglect to Call and Settle an orthodox Ministr to Pay towards the Support of ye Ministry in the Town or Parish thay Sprang from or to the Neighbouring Town after Six months Such Neglect

Pr Ordr of ye House of Representatives —

Adjorned for two Houres

Returned According to Adjornmt Present the Whole house

The House Adjorned to ye 24th 10 of ye Clock

The House mett According to Adjornement present

Mr Speaker	Mr Gillman	Wear
Smith	Capt Gillman	Easman
Davis	Mastin	Wibird
Downing	Tibbits	Walton
More	Jaffrey	Atkinson

* 1-181 * Augst 24th A Vote Sent Down for an Act of Tunnage from ye Lt Govr & Councill — to which

Voted a Non Concurrance —

A Vote Sent Down for an Act of Impost

Voted Non Concurrance —

Wheras it was Voted ye 7th of Aprll that the Treasur Supply for Reception of Collo Burgis the then Expectd Govr & then made Provision, yrfor Since which it is Reported that Colln Shute is to Come Govr in ye Stead of Sd Coll: Burges —

Voted That Mr Treasurer Penhallow Doe Supply for the Reception of Sd Colln Shute Agreable to Sd Vote of the 7th Aprll and that money be Reserved in the Treasury therfor Viz One Hundred Pounds —

Adjorned for two houres —

The House Returd According to Adjornment Present the Whole house —

A Vote from the Councill that forms of oaths Writs Summons &c: be Drawn Up by A Comitte of Both Houses to be printed With the Laws

Concured with In this house &

Voted To be Done by y^e^ Committe that Revised y^e^ Laws

* The House Adjorned to y^e^ 25^th^ 9 of y^e^ Clock * 1–182

Aug^st^ 25 The House Mett According to Adjornement Present

M^r^ Speaker	Easman	Tibbits
Smith	Downing	Mastin
Moore	Davis	Wibird
Cap^t^ Gillman	Jaffrey	Walton
Gillman	Wear	Atkinson

Proposition being made by Coll^os^ Waldron & Hunking from y^e^ Councill ab^t^ giveing Eighty pounds (being y^e^ Gov^rs^ halfe year's sallery According to the former Establishment) unto y^e^ L^t^ Gov^r^ Coll^o^ Vaughan which Being put to vote and

Voted The Contrary —

Wheras the Bonds Given for Mony Lent are Reposed in the Hands of Rich^d^ Gerrish Esq^r^ Speaker of this House and Among them is a Bond of his One

Voted that the S^d^ Gerrishes Bond be put into the hands of Marke Hunking Esq^r^ and that the Bonds for the Money Lately Lent be pute into the Hands of the S^d^ Rich^d^ Gerrish Esq^r^

Aug^t^ 25^th^ 1716 ℔ Ord^r^ y^e^ Howse —

* The House Adjorned for two howers * 1–183

Mett According to Adjornment Present

M^r^ Speaker	Wiberd	Moore
Walton	Atkinson	Easman
Downing	Gilman	Ware
Jaffrey	Gilman	

The House Sent for up to y^e^ L^t^ Gov^r^ & Councill And Prorouged by the L^t^ Gov^r^ to y^e^ 12^th^ Day of Sept^r^

12 Sep^t^ Mett According to Prorogation Present

M^r^ Speaker	R : Wiberd	Cap^t^ Gilman
Cap^t^ Davis	Geo : Jaffrey	L^t^ Gilman
Coll Walton	Coll Smith	M^r^ Moor
T : Atkinson	M^r^ Marston	Cap^t^ Downing

* The House Adjorned to y^e^ 13^th^ Sep^r^ 10 of the Clock * 1–184

The House mett According to Adjornment Present

Speaker	Mastin	Davis
Smith	More	Walton
L[t] Gillman	Jaffrey	Atkinson
Gillman	Downing	Wibird

A Remonstrance from y[e] Sherife Phipps about the Insufficiancy of y[e] Prison was sent Down from y[e] L[t] Gov[r] & Councill

In Answer to which to y[e] Remonstrance of M[r] Shrife Phipps ab[t] y[e] Prisson —

This House Has allready taken Care for the Removall of y[e] Prison to a Place where may be conveniancy for Yard Room and Appoynted a Comity to se it Effected Who have provided Materialls and will soon have it Done having Agreed with workmen to Doe it

℔ order of y[e] House

The Peticion of Timothy Davis ab[t] y[e] Act of Bankrupts Read and Not Granted —

The House Adjorned for two Howers

* 1–185 * The House mett According to Adjorment Present as in y[e] Morning

A Vote sent Down from y[e] L[t] Gov[r] & Councill for Swearing all Town Officers that shall for y[e] future Enter upon y[r] offices — to which in this House

Voted a Concurrance.

Voted that y[e] Bounds of Each Town & Parrish within this Pro[v] shall be Run & Bounds Renewed once in three Years, and that the Propriat[rs] of all unfenced Lands that are in Comon shall run y[e] Lines once in two years the Same to be Done by y[e] Lot Layers of Each Town or Parrish under Penalty, and the Party Refusing or Neglecting that forfeit twenty shilings for Every Neglect —

℔ ord[r] of the Hows

The House Adjorned to y[e] 14[th] 10 of the Clock

Mett According to Adjornment Preseant

Speaker	Gillman	Wibird
Smith	L[t] Gillman	Jaffrey
Davis	Wear	Atkinson
Walton	Downing	More
	Mastin	

The House Adjorned for two howers

Mett According to Adjornment

* The House Adjorned to y^e 15^th 10 of y^e Clock * 1–186

Sept^r 15^th Mett According to Adjornment ℔ sent

Speaker	L^t Gillman	Jaffrey
Wear	Downing	Wibird
Gillman	More	Maston

A Vote Sent Down from y^e L^t Gov^r & Councill ab^t y^e Reception of Coll^o Shute agreable to y^e former vote Respecting Coll^o Burgis Appointing y^e same Gentlemen to Congratulate Coll^o Shute that were Desired to waite on Coll^o Burgis on his Arrival. to which

Voted a Concurrance. —

The House having Considered of y^e Message Delivered by M^r Treasurer Penhallow & Coll^n Hunking the Same being of Great Moment and Consequence and many of the Memb^rs Absent

Voted that the House Doe not at presant proceed theron but that it be suspended to y^e Next Session ℔ ord^r of the Howse

M^r Treasurer Penhallow Came Down and ℔ Ord^r of y^e L^t Gov^r Adjourned this House to y^e 27^th Ins^t

* Sep^tr y^e 27^th The House mett According to Adjornement * 1–187 presant

M^r Speaker	Walton	More
Wear	Jaffrey	Smith
Gillman	Maston	Tibbits
L^t Gillman	Wibird	Easman

The House Adjorned to y^e 28^th ten in y^e morning

The House Mett According to Adjornment preseant

Speaker	Walton	Smith
Wear	Jaffrey	Tibbits
Gillman	Wibird	Easman
L^t Gillman	Maston	Downing
	More	

The House Adjorned to two Howers

The House met According to Adjornment ℔^r as in the morning.

Voted That the Law for Regulateing of Fe's be Printed with y^e Other Laws —

* Where as the Courts have been Kep^t formerly at the Sev- * 1–188
erall Towns within this Province w^ch must needs be A benifitt to y^e Towns where thay are Holden —

Voted That for the future the Courts be Kept at the times and days by Law Appointed And at the Severall Towns as ffolloweth Viz At Portsmouth the two Courts of Governer & Councill to say[r] Appeals as also one Supere[r] Court of Judicuture in y[e] Month of February and the Generall Quart[r] Sessions of the peace with the Infeariour Court, of Commonpleas following the Said Sessions of peace to be Kept in the Month of Decemb[r] Annually —

att Hampton one Superiour Court in y[e] Month of August the Generall Quarter Sessions of p[c] & Inferiour Court following in the Month of Sep[r] Annualey —

att Dover the Genourall Quarter Sessions of y[e] peas w[th] the Following Inferiour Court above Said in the Month of June Annualey att Exeter the Generall Quart[r] Sessions of the Peace & y[e] following Inferiour Court of Common pleas in the Month of March Yearly —

℔[r] Ord[r] of the House of Representatives

Sep[r] 28[th] 1716

Desents from this Vote

Rich[d] Gerish	Rich[d] Wibird
Geo: Jaffrey	Jn[o] Downing

* 1–189 * The House Adjorned to y[e] 29[th] ten of the Clock

Mett According to Adjornment ℔sent

M[r] Speaker	L[t] Gillman	Jaffrey
Downing	Easman	Wibird
Moore	Smith	Walton
Gillman	Marston	Wear
	Tebbits	

The House adjorned for two Howers

The House Mett According to Adjorm[t] ℔[r] as Above —

M[r] Treasurer Penhallow Came Downe and Cap[t] Hunkin ℔[r] Ord[r] of the L[t] Goven Adjorned this Hous to y[e] 24[th] of Octob[r] Next

* 1–190 * 1716/7 January 10 Pro: New Hampsh[r]

at a Generall assembly Called by his Excellency Sam[ll] Shoot Esq[r] Cap[t] Generall & Govern[r] in chieff of s[d] province the members Chosen to Represent the severall Towns Were.

Portsm[o]	Col[o] John Plasteed Esq[r]
	Cap[t] Georg Walker
	Corn[t] Eph[m] Dennet
Hampton	L[t] Col[o] Joseph Smith
	Maj[r] Peter Weare
	M[r] Eph[m] Marston

Dover	Capt Janes Davise
	Mr Samuell Tibbits
Exeter	Capt John Gillman
	Lt John Gillman
New Castle	Capt Jotham odihorn
	Capt Hugh Read
Newington	mr John Dam
Kingstown	mr Samll Eastman
Stratham	Capt Andrew Wiggin

all which persons appeared before his Excellency & Councill at the Councel Chamber & were there Quallified and directed to Return to there house & make Choice of a Speaker & presen him the Representitives Returned to ther house made Choyce of Colo John Plasteed Esqr Speacker & according to his Excellencys directions presented him : Who was well accepted & ordered to Withdraw & settell ye house Joseph Smith chosen Cler * the assembly * 1–191 Booke & papers sent for to Capt Richard Wibard the late Clerk who delivered them to the Speaker —

the house is adjurned to Morrow the Eleventh Instant 10 of ye Clocke

the house met accordingly present

Mr Speaker	Marston	odihorn
Walker	Davis	Read
Dennet	Tibbits	Eastman
Smith	Gillman	Dam
Wear	Gillman	Wiggin

Voted : that this house shall be governd by the preceeding Laws & orders befor mentioned

the house adjurned untill three of ye Clock aternoon

the house mett accordingly

Mr Speaker	Marston	Odihorn
Walker	Davise	Read
Dennett	Tibbits	Eastman
Smith	Gillman	Wigins
Wear	Gillman	Dam

the house is ajurned untill to morrow nine of the Clock —

12 the house met according present

Mr Speaker	Davise	Gillman
Walker	Tibbits	odihorn

Smith	Read	Eastman
Wear	Dennitt	Dam —
Marston	Gillman	Wigin

* 1–192 * 1716/7 the house is adjurned to munday the fourteenth day of this Instant January teen of y^e^ Clock in y^e^ forenoon

January 14: the house mett according to adjurnment present

M^r^ Speaker	Wear	Dam
Read	Walker	Gillman
Odihorn	Dennitt	Gillman
Eastman	Smith	Wigins
Davise	marston	

The house adjurned for two hours

the house mett according to adjurnment present

M^r^ Speaker	Wear	marston
Read	Tibbits	Dam
odihorn	Walker	Gillman
Eastman	Dennit	Gillman
Davise	Smith	Wigins

the house is adjurned untill tomorrow nine of the Clocke in the morning

15 the house meet according to adjurnment present

m^r^ Speaker	Davise	Smith
Wigins	Tibbits	Weare
Read	odihorn	Marston
Dam	Walker	Gillman
Eastman	Dennitt	Gillman

adjurned to two of y^e^ Clocke afternoone —

the whole House mett in the after noone according to adjurnment —

* 1–193 * Voted that a duty of Impost be Laid upon all Licqers Imported into this province from beyond Sea (viz)

ten shillings for every hogsh^d^ of Rum
eight shillings for every pipe of fyall wine
ten shillings for every pipe of madeara wine
sixteen shillings for every pipe of Canara or posada wine

and for all Europian Goods one penney Sterling in the pound allowing a twelfth part of y^e^ Lickers for Leakage and to continue for one year from the first day of March next 1716/7 —

Read three times in the house of Representetives & past. & sent up for Concurrance by Mr Marston

January 15 : 1716/7 Capt Richard Gearrish Esqr delivered to the Representitives the bonds for fifteen hundred pounds from severall persons for muney Lent being nine in Number & a Recipt Given him by the Clerke of the Representitives the said bonds for ye present Lodged in the hands of Joseph Smith untill farther order by vote of the house —

the house adjurned untill to morrow nine of the Clocke

16: The house mett according to adjurnment Present

Mr Speaker	odihorn	marston
Eastman	Dennitt	Gillman
Davise	Walker	Gillman
Tibbits	Smith	Wigin
Read	Weare	Dam

the house adjurned untill two of ye Clock afternoon

the house mett accordingly present

Mr Speaker	Walker	Gillman
Davise	Smith	Gillman
Tibbits	Wear	Wigin
odihorn	marston	Dam
	Eastman	

* Voted : that a duty of Impost be Laid upon Liquors Imported into this province from beyon Sea (viz) ten shillins for every hhoggd of Rum * 1-194
Eight shillings for every pipe of fyall Wine
ten shillings for every pipe of madeara Wine
sixteen shillings for every pipe of Canara or pasada wine
And for all Europian Goods one penney sterling in the pound : And to Continue for one year from the first day of march next — allowing one twelfth part for Leakags of ye Liquer Read three times in the house of Representitives & passed : And sent up for Concurance by mr Ephm Marston —

Joseph Smith Cler

the house is adjurned untill to morrow : 9 : a Clocke

17/ the house mett according to adjurnment present

mr Speaker	Eastman	Smith
Gillman	Dam	Wear
Gillman	Wigins	Marston
Read	Walker	Davise
odihorn	Dennitt	Tibbits

a vote sent down for Laying a duty on the Exportation Read & Not Concured With by this house

the house adjurned for two hours afternoone

the whole house mett in the afternoone according to adjurnment
the house adjurned to morrow nine a Clock

18 the house met according to adjurnment present

Mr Speaker	Read	Smith
Gillman	odihorne	Wear
Gillman	Dam	Marston
Eastman	Walker	Davise
Wigins	Dennitt	Tibbts

* 1–195 * the house is adjurned untill 3 : of ye Clocke afternoon
the whole house mett according to adjurnment

the hous adjund untill nine in ye morn

19: the house mett according to adjurnment present

mr Speaker	marston	Wigins
Walker	Davise	Read
Dennitt	Tippits	odihorn
Smith	C Gillman	Dam
Wear	Gillman	Eastman

The house adjurned untill munday 21 : day twelve of ye Clocke in the morning

21 the house mett according to adjurnment present

mr Speaker	Marston	Read
Capt Walke	Davise	odihorn
mr Dennitt	Tibbits	Dam
Smith	Lt Gillman	Eastman
Wear	Wigins	

Mr Speaker Colo plasted not appering this afternoone : Capt : James Davise was Chosen Speaker protempy
Who adjurned the house untill to morrow nine a Clocke in the morning

22 : The house mett according to adjurnment present

mr Speaker plasteed	marston	Read
Walker	Davise	odiorn
Denitt	Tibbits	Dam
Smith	Lt Gillman	Eastman
Wear	Wigine	Capt Gillman

*the house adjurned untill two of y^e Clocke after noone *1-196
the house mett according to adjurnment presen —

m^r Speaker	Eastman	Weare
Cap^t Gillman	Wigin	Marston
L^t Gillman	Walker	Davise
Dam	Dennitt	tibbits
Read	Smith	

The house is adjurned untill to morrow nine of the Clocke in the morning —

Jan^ry 23 : the house mett according to adjurnment present

m^r Speaker	marston	Wigens
Walker	Davise	Eastman
Dennitt	Tibbits	Read
Smith	Cap^t Gillman	odiorn
Wear	L^t Gillman	Dam

the house adjurned for two hours afternoone

the house mett according to adjurnment after noone present

m^r Speaker	marston	Wigens
Walker	Davise	Eastman
Dennit	Tibbits	Read
Smith	Gillman	odiorn
Wear	Gillman	Dam

The house adjurned untill to morrow nine of the Clocke

24 the house mett according to adjurnment present

M^r Speaker	marston	Wigins
Walker	Davise	Eastman
Dennitt	Tibbits	Read
Smith	Gillman	odiorn
Wear	Gillman	Dam

*A vote sent down for Repealing the act limiting Seven year, *1-197
time for Redemtion of Lands taken by Execution And that
the time for Redemtion be not more then two years
this house takes time untill to morrow for Considering of that matter —

the house adjurned for two hours afternoone

the Whole house mett in the afternoone according to adjurnment
the house is adjurned untill to morrow Ten of y^e Clocke morning

25: the house mett according to adjurnment present

mr Speaker	Marston	Wigins
Walker	Davise	Eastman
Dennitt	Tibbitts	Dam
Smith	Gillman	odiorn
Wear	Gillman	

the house adjurned for two hours

the house mett according to adjurnment all present but Capt Read

the house adjorned untill to morrow nine of the Clocke

26: the house mett according to adjurnment present

mr Speaker	Marston	Eastman
C: Walker	Davise	Dame
Dennitt	Tibbits	odiorn
Smith	Gillman	Wigins
Weare	Gillman	

the house is adjurned untill Monday 28 Instant at Eleven of ye Clock in the morn

* 1–198 * January 28: 1716/7 the house mett according to adjurment present

mr Speaker	mr Marston	mr Eastman
Capt Walker	Capt Davise	mr Dam
Capt Dennitt	mr Tippits	mr Wiggin
Colo Smith	Capt Gillman	Capt Read
Majr Wear	Lt Gillman	Capt odiord

Voted that pray his Excellency the Governr Collo Shute Do Lay the Remonsterence of the Greivences of the Representative body of the Good people of this province offerd to your Excellency this present Sessions may be laid before the King in hopes of redress as Soon as Convenience Will permitt your doing it: And what Charge your Excellency may be at we have past a vote to defray—

Voted that his Excellency be defrayed the Charge thereof — Read & past by the house of Representatives Joseph Smith

January: 28: $171^{6}/_{7}$ the house of Representative sent for up by the Goverr Shut & dissolved

Capt Davise Samll Tibbits & John Dam tooke there deventers untill this day being January 28: $171^{6}/_{7}$ Capt Walker hath taken out his deventer for ye time he hath served being 18 days Aded 28 day of time 1717 —

* The 17 of April 1717 according to adjurnment mett * 1–199

m^r John Tucke	Cap^t Davise Esq^r	Cap^t Joshua Pearce
Cap^t John Gilman	m^r John Dam	Joseph Smith
L^t John Gilman	Col^o tho^s Packer	Maj^r Peter Weare

adjurned untill the Tenth of may following mett —

Col^o Packer	peter Weare	Sam^ll Tibbits
Ca: Joshua pearce	John Tucke	Samu^l Eastman
m^r Dennitt	L^t John Gilman	Hugh Read
John Dam	Andrew Wigins	Joham odihorn
Joseph Smith	James davise	

Ajurned untill the 13^th of may following then mett

Col^o Packer	John Tucke	James Davise
Joshua Pearce	Cap^t John Gillman	Samuell tibbits
Eph^m Dennitt	L^t John Gillman	Hugh Read
Joseph Smith	Andrew Wigin	Jotham odihorn
peter Weare	John Dam	Samuell Eastman

the house adjurned untill to morrow Eight a clocke being y^e 14 Instant

May 14: the house met according to adjurnment present

Coll^o packer	Gillman	tibbets
Denitt	Gillman	odihorn
Smith	Wigin	Read
Wear	Eastman	Dam
Tucke	Davise	

the house adjurned to two a Cocke after noone

* 1717 – May 14 Resolved that the Gentellmen Who gave * 1–200
bonds for : 1500 : be sent for to Know Why they Doe not Comply with their Bonds. Cap^t Wintworth & m^r George Jeffry appeared & Said if all the Rest paid that gave bonds they would pay for their money was Redy Cap^t Gearrish answered he had not the money but desired Longer time m^r Penhallow said to y^e same purpose

the whole house met in the afternoon Except Cap^t pearce

the house adjurned untill to morrow Eight a Clock

May 15: the house mett according to adjurnment present

m^r Speaker	Tucke	Dam
Cap^t Pierce	Gillman	Wigin
Dennit	Gillman	Eastman
Smith	Davise	odiorn
Wear	Tibbits	

the house met in the after noon according to adjurnment all present all but Cap^{t} Hugh Read

May 15 : 1717 ordered that Col^{o} Geore Vaughns bond for 200£ & Cap^{t} Wibars bond for 50 : pound now deliver^{d} in the hands of Col^{o} Thomas Packer Speaker : be by him kept untill farther order of this house Voted &c Joseph Smith Cler

Receved y^{e} above bonds ℔ me Tho : Packer

* 1–201 * the house adjurned untill to morrow 8 a Clocke

the house mett according to Adjournment 16 may — Except L^{tt} Coll : Joseph Smith & m^{r} Jn^{o} Dam who had liberty from ye house
Wheras most of y^{e} Gentlemen who took Money upon Interest of y^{e} Province in Oct^{r} 1714 as appears by their several Bonds Duly Execut^{d} w^{ch} Bonds terminated in Oct^{r} 1716 past & y^{e} Several Gentlemen as above (through y^{e} Scarcity of Money being unprovid^{d} to Comply wth their obligations) desiring longer time — Vot^{d} y^{t} y^{e} Severall Gentlemen have y^{e} liberty of paying in their Severall Sums : to y^{e} house of Representitives att any time between this & oct^{r} w^{ch} will be in y^{e} year 1718 Provid^{d} they give New Bonds payable wth Interest after y^{e} Rate of Six ℔ Cent : per Annum to y^{e} Speaker of this house for time being & y^{t} they pay in y^{e} Same in Bills of Crd of this Province already Emitted & that y^{e} New Bonds Comence from y^{e} 27 oct^{r} 1716
Sent up & Concurd wth by y^{e} uper house —

this house Sent for m^{r} Treasur^{r} Penhallow to be informd relating to y^{e} Interest of y^{e} 1500 pound — who declard y^{t} he had not Receiv^{d} one farthing of s^{d} Interest : but att y^{e} Same time gave his word of Hon^{r} to his house for y^{e} two first years Interest of s^{d} 1500 pounds & y^{t} the Province Should have Crd accordingly —
the house adjoun^{d} to 3 a clock after Noon —

the house mett according to adjournment att 3 after Noon Viz^{tt}

m^{r} Speak^{r} Coll Packer	Maj^{r} Wier	Cap^{t} Jas Davis
Cap^{t} Jo^{n} Gillman	M^{r} Jn^{c} Tuck	m^{r} Sam^{ll} Tibits
L^{tt} Jn^{o} Gillman	Cap^{t} And^{r} Wigins	m^{r} Eph^{r} Denett
M^{r} Sam^{ll} Easman	Cap^{t} Joth^{m} Odiorn	Josh — Peirce
	Cap^{t} Hugh Read	

the house adjourned from five y^{e} same day to Seven y^{e} Same Evening —

the house mett att Seven y^{e} Same Evening according to Adjournment Present m^{r} Speaker &ct as above —
the house adjourn^{d} til seven aclock tomorow Morn^{g}

17 May y^e^ house mett according to adjournment: Present m^r^ Speaker Packer Maj^r^ Wier Cap^t^ Jo^n^ Gillman L^tt^ Jo^n^ Gillman m^r^ Sam^ll^ Easman m^r^ Jo^n^ Tuck Cap^t^ And^r^ Wiggins Cap^t^ Joth: Odiorn Cap^t^ James Davis m^r^ Sam^l^ Tibbit Josh Peirce Jo^n^ Dam —

* 17 May Vot^d^ In Councill * 1–202

That y^e^ Comitte appointd to Revise y^e^ Laws of y^e^ Prov^e^ &ct: be Sam^ll^ Penhallow & Theo^r^ Atkinson Esq^rs^ from this house & y^t^ y^e^ Sherife & Clark attend on s^d^ Comitte

May 16: 1717 Rich^d^ Waldron Cl^r^ Con

Vot^d^ y^t^ L^tt^ Coll Smith Coll Packer & Cap^t^ Ja^s^ Davis be a Comitte to joyne y^e^ uper house for y^e^ ends above s^d^

17 May 1717 Josh Peirce Cl^r^ ℔ Temp^r^

the house adjourn^d^ til three a clock

the house Mett according to adjournment att 3 a Clock after noon —

the house having prepared a Bill for y^e^ Raising fifteen thous^d^ pounds Bils of Crd upon a fund of land Estates of y^s^ Province: & Each Town within y^s^ Province to have their Proportion according to y^e^ last Province tax — Sent up by Maj^r^ Wier & Cap^t^ Jo^n^ Gillman to y^e^ uper house before voted

18 May voted & sent up by Coll Jos Smith for Concurance

Vot^d^ y^t^ y^e^ Act for Excise be Continued for y^e^ year Insuing 16 may 1717 — & y^t^ it be sent up for Concurence —

Josh Peirce Cl^r^ ℔ Temp^r^

Vot^d^ That Cap^t^ Hugh Read & Coll Jo^n^ Plaisted Esq^r^ be Chosen a Comitte by this house to joyne the Comitte of y^e^ uper house for farming s^d^ Excise

Concured w^th^ by y^e^ uper house — Josh Peirce Cl^r^ &ct

Vot^d^ That Coll John Plaisted L^tt^ Coll Joseph Smith & Cap^t^ Hugh Read be a Comitte from this house to joyne w^th^ 2 of y^e^ uper house to Receive & adjust y^e^ Province Debts in order to lay them before y^e^ Assembly for Allowance —

ordered to be sent up by Maj^r^ Wier for Concurence

Vot^d^ That Maj^r^ Wier Cap^t^ Ja^s^ Davis & Josh Peirce be a Comitte from this house to Joyne w^th^ y^e^ Comitte of y^e^ uper house; to draw up y^e^ act for y^e^ Bill of fifteen thous^d^ Pounds bils of Crd to be Distribut^d^ by a General Comitte to be Chosen of both houses to distribute y^e^ Same to each Town in this Province in Proportion according to y^e^ last Province Tax

May: 18: 1717 orderd to be sent up by m^r^ Jo^n^ Tuck for Concurance

past by the house of Representatives Joseph Smith Cler

the house adjourn^{d} til Seven a clock tomorow Morning

* 1–203 * 18 May the house Met according to adjournment Present

m^{r} Speaker Packer		Tucke	odiorn
Pearce		Gillman	Read
Dennit		Gillman	Wigin
Smith		Davise	Dam
Weare		Tibbets	Eastman

Vot^{d} That y^{e} Treasu^{r} be Desir^{d} forthwith to lay before this house an Exact account of his Maj^{sts} Stores of Powder & other Amunition of Warr —

May 18–1717 Read & past by y^{e} house of Representitives

Joseph Smith Clerk

Wheras it is Evident y^{t} y^{e} growing Charge of this Province is such a burthen to y^{e} Subjects as makes it very greivous

Vot^{d} y^{t} his Excellency y^{e} Govern^{r} shal be paid out of y^{e} Publick treasury of this Province for y^{e} defraying his Entertainment & Expence thirty Shils ℔ Die : for y^{e} Ensuing year During y^{e} Sessions of General assembly from time to time after y^{e} first day of june next —

May 18 1717 Red & past in y^{e} house of Representitives & sent up for Concurrance — Joseph Smith Clerk

this day chosen to be of the Grand Commitee to act & doe in the affair Relateing to y^{e} 15000 pounds of Creaditt to be Printed & Signed (viz)

Col^{o} thomas Packer
Joseph Smith
Cap^{t} John Gillman

the same day chosen Maj^{r} Wear : Capt Davise & Capt : pearce a Committee to Joyn with the Committee of y^{e} uper house to draw up the Act for printing — 15000

18 the house adjurned untill 3 a clocke afternoon

the house met in the afternoon according to adjurn^{t}

the house adjurned untill munday next the 20 Instant at 8 a clock in y^{e} morning

* 1–204 * May : 20 : 1717 : being munday the house mett according to adjurnment present

m^r Speaker	Maj^r Wear	M^r Dam
Cap^t Pearce	Cap^t Davise	Cap^t Wigins
m^r Dennitt	m^r Tibbits	Capt : Gillman
Jos : Smith	m^r odiorn	L^t Gilman
John Tucke	Capt : Read	

May 20 : 1717 a vote brought down from the upper house moveing that Capt Southack be allowed for plating the Sea Cost : &c —
Voted a nonconcurrance Joseph Smith Cler

the house adjurned untill 3 : after noon

the house mett according to adjurnment present — the whole house the Governour Sent up for the house & proroged them untill the 24 day of September next

May 21^t : 1717 Capt John Gillman & L^t John Gillman tooke out their deventers untill this day

July 27 : 1717 : Capt Andrew Wiggin tooke out his deventer untill this day —

The house mett according to prorogation September 24 : 1717 present

m^r Speaker tho Packer	Cap^t Wigins	maj^r Wear
Cap^t John Gillman	m^r Dambe	m^r Tuck
Cap^t John Gillman	Cap^t Perce	Joseph Smith
	m^r Dennit	

The 24 of Sep^t : 1717 : the following deventars were taken out being all then due to any body (viz)

m^r John plasted	m^r Eph^m Marston	m^r John Dam
m^r Eph^m Dennit	Maj^r Weare	Cap^t James Davise
Coll Tho packer	m^r John Tucke	m^r Tibbets
Cap^t : pearce	Cap^t Odion	m^r Eastman
m^r Joseph Smith	Cap^t Read	

* Sep^t : 24 : 1717 the house sent for up by the L^t Govern^r * 1–205 Vaughn & dissolved in his majestys Name

Jos : Smith Cler

Sep^t : 24 : 1717 : the Deventurs on the bottom of y^e Leaf on y^e foregoing Side Were toke out being all then due (viz)

Col^o John Plasteed	Capt : Hugh Read	Maj^r Peter Weare
M^r Eph^m Dennitt	Cap^t James Davise	m^r John Tucke
Col^o Tho : Packers	m^r John Dam	m^r Joseph Smith
Cap^t Joshua Peirce	Cap^t James Davise	m^r Eph^m Marston
Cap^t Jotham Odiorn	m^r Samuell Tibbits	m^r Samuell Eastman

taken out from me

Joseph Smith Cler

1717 2 : Oct^{r} y^{e} House mett this day by his Excellencys prorogattion Present —

m^{r} Speak^{r} Packer	Joth : Odorn	} Esq^{rs}	Cap^{t} Read
Coll Davis	And^{r} Wiggins		M^{r} Eph : Dennett
Cap^{t} Tibbits	Jo^{n} Gillman		Josh Peirce
m^{r} Jo^{n} Damm	Cap^{t} Jo^{n} Gillman		

The house Adjourn^{d} til 2 afternoon —

The house according to adjournm^{tt} mett at time apoint^{d}

Vote^{d} Josh : Peirce Clark to y^{e} Assembly —

The house adjourned til ten a clock tomorrow morning —

3 Oct^{r} y^{e} house mett according to adjournment Present

m^{r} Speaker	} Esq^{rs}	Coll Davis	Josh Peirce
Cap^{t} Odiorn		M^{r} Jo^{n} Damm	Sam^{ll} Easman Esq^{r}
Cap^{t} Gillman		Cap^{t} Jo^{n} Gillman	M^{r} Eph : Dennett
Cap^{t} Wigins		Cap^{t} Sam^{ll} Tibbits	

* 1–206 * 1717 3 Oct^{r} The house adjourn^{d} for two hours —

The house mett according to adjournment —

Whereas Coll Joseph Smith Maj^{r} Pet^{r} Ware & m^{r} Jo^{n} Tuck are Dismiss^{d} this house —

Vot^{d} That his Excellency be Request^{d} to Issue forth his Precept to Supply y^{e} Vacancy — Josh : Peirce Cler^{s}

The house adjourn^{d} till Munday Next ten a Clock

7 Oct^{r} The house Mett according to adjournm^{t} Present

M^{r} Speaker	} Esq^{rs}	m^{r} Eph Dennett
Cap^{t} Jo^{n} Gillman		Cap^{t} Jo^{n} Gilman
Joth Odiorn		Josh : Peirce
Sam^{ll} Easman		Coll : Davis
And^{r} Wiggin		

Itt appearing to this Board that a great many inconveniencyes may happen unto Several Creditors on y^{e} account of y^{e} Law in Relation to y^{e} statute of Bankrupt that the s^{d} act be repald in Council & henceforward be of no Effect Rich^{d} Waldron Cler : Con^{ll}

7 Oct 1717 Red three times in y^{e} house of Representatives & Voted a Concurrance Josh Peirce Cle^{r} to y^{e} house —

the house adjorn^{d} till tomorrow nine a Clock

8 Oct the house mett at y^{e} houre according to adjournm^{tt} Present m^{r} Speak^{r} — Coll Davis Cap^{t} Odiorn Cap^{t} Jo^{n} Gillman Cap^{t} and^{r}

Wiggins m^r^ Eastman Cap^t^ Jo^n^ Gillman Josh Peirce Eph Dennett M^r^ Jo^n^ Damm

& order^d^ to Enter his Excelency's speach w^ch^ is as followeth

Gent^m^ I canot omitt att y^e^ Opening this Sessions to take notice of y^e^ unwarrantable & Illegal Proceedings of L^tt^ Govern^r^ Vaughan — In y^e^ Commission he Receiv^d^ from his Maj^st^ King George he is Comand^d^ to observe all such * Orders w^ch^ from time to * 1-207 time he shal Receive from y^e^ King or my Selfe & al persons are Requir^d^ to take Notice of y^e^ Same —

Some Months since when god y^e^ Wise Disposer of y^e^ Ellements was Pleas^d^ to afflict us w^th^ a great Drought; I sent orders to y^e^ L^tt^ Gov^er^ to Proclaime a fast to Implore God^s^ favour & y^t^ he would be Pleas^d^ in his great Mercy to water y^e^ parched Earth w^th^ Refreshing Showers — w^ch^ orders he Refus^d^ to obey & there was no fast in this Province —

About y^e^ 16 Sep^t^ I wrote to y^e^ L^tt^ Gov^r^ & order^d^ him to Prorogue y^e^ Assembly: w^ch^ was order^d^ to meet on y^e^ 24 Sep^t^ to y^e^ 2 Oct^r^: instead of ℘forming w^t^ I had Direct^d^ he has Pretend^d^ to Dissolve you — so y^t^ has not only disobey^d^ y^e^ Kings Comm^ds^ & mine: but would have impos^d^ on you who are y^e^ Representatives of this Province: by Assuming a pow^r^ to himselfe w^ch^ he is not invest^d^ w^th^ when I am in America: nor can I believe any Person can be so void of sence or Reason as to Imagine: y^t^ y^e^ King made me Gov^r^ of New hampsh^r^ only for y^e^ Six weeks in a year y^t^ I am hear as y^e^ L^tt^ Gov^r^ would have you believe —

Give me Leave therefore Gen^tl^ to observe to you w^t^ Confusions would attend this Province if w^t^ this Gen^tl^ has been aiming att was Practicable —

It^s^ very Possible y^t^ it might so happen y^t^ not only a Gov^r^ & L^tt^ Gov^r^ might Disagree: but also y^t^ y^e^ Eldest Counsel^r^ might jarr w^th^ both of them w^t^ then must be y^e^ Consequence why truly if an Assembly was Chosen w^ch^ y^e^ Gov^r^ thought to be for his Maj^sts^ Service & also of this Province if y^e^ L^tt^ Gov^r^ did not like them: So Soon as I was gone to Boston he would Dissolve them: if then an other Assembly was Chosen & they were approv^d^ of by y^e^ L^tt^ Gov^r^ & not by y^e^ Gov^r^ He then would Dissolve them: if a third should be Chosen w^ch^ y^e^ Gov^r^ & L^tt^ Gov^r^ Did approve of & y^e^ Eldest Council^r^ did not: when we were both out of y^e^ Province he would Dissolve y^t^ also: — so y^t^ this Province would be like a Monst^r^ w^th^ three heads and three hands; each Endeavouring in their turns to undoe w^t^ y^e^ other had Done there could be nothing then but Elections & Dissolutions y^e^ King^s^ Comm^ds^ would Remaine unknown & unexecuted: & al y^e^ Affairs of y^e^ Province Neglect^d^ & at a dead Stand —

I do not therefore in y^e least doubt y^t Since you are mett y^t you will Shew your Resentments to these Mischeivous proceedings & put a Stop to them w^ch tend to nothing but to Inflame y^e people & would end in Nothing but the utter Ruine & Destruction of this Province —

* 1–208 * I am Glad I can Informe you y^t Since I saw you Last I have had an Interview w^th y^e Eastern Indians & have brought them into Such measu^rs as are for y^e Hon^r of my Mas^r King George & y^t tend to y^e quiet & peace of these Provinces: w^ch are y^e two principle things I aime att in al my Transactions — after y^e treaty was Conclud^d & y^e former articles of peace & some New ones Sign^d & Ratyfie^d: y^e Indians Complaind to me about y^e Englishmens fowling upon floats & desir^d y^t where either of y^e Provinces had any new Setlements: y^t Persons might be appoint^d there to furnish them w^th al Necessaryes at a Moderate Rate: I Promis^d them y^t I would Endeav^r to redress their Greivances & to Assist them: w^ch I Recomend to your care since w^t they desire is so very Reasonable —

Tis your Harvest time & my affairs at Boston will quickly require my Presence there — therfore hope you will dispatch w^t shal be Necessary & y^t you wil against our Meeting in y^e Spring when we shal have more time to sit think of Some measures to promote Naval Stores w^ch will be very acceptable to His Maj^st & very beneficial to this Province

2 Oct^r 1717 Sam^ll Shute

The house Chose a Committe to Draw an answer to his Excellency^s Speach w^ch is as followeth Viz^t —

Portsm^o in Newhampsh^r } May it Please your Excellency

We have consider^d your Excellency^s Speach and Imbrace this oppertunity to Resent y^e Illegal unwarrantable & imprudent Management of y^e L^tt Gov^r in his late practices w^ch so very much tend to y^e destruction of Governm^t & Confusion & Ruine of this Province we are Sencible by y^r Excellencys Comiss^n & Instructions y^t none else is invest^d w^th pow^r of Governm^tt but y^r selfe while in America — & by y^e L^tt Gov^rs Comission we observe y^t he is only to performe such Instructions & orders as he shal receive from y^e King or from his Comand^r in Cheife for y^e time being — & for him to act w^th out either is unwarrantable — but to act Contrary therto is Illegal & highly Imposing on his good Subjects — Directly leading them into Destraction & Confusion the Event of w^ch may be y^e worst of evils — that such proceedings may be prevent^d for y^e future we pray

* 1–209 * care may be taken; y^t Loyalty peace & Unity may be Preserv^d & Continued —

We Rejoyce y^r^ Excellency^s^ Intervieu w^th^ y^e^ Eastern Indians was Attend^d^ w^th^ so much sucess : & are ready & willing to fall in w^th^ any measu^rs^ y^t^ y^e^ good agreement w^th^ them may be Continued & any Grievances may be Redressed —

We observe y^e^ Affairs of your other Governm^tt^ will quickly call you hence — wherefore we shal attend y^e^ present buisnes w^th^ al application & Diligence — y^t^ y^e^ public affairs y^t^ canot now be finish^d^ may be prepared against y^e^ Next sessions —

7 Oct^r^ 1717 Tho^s^ Packer Speaker —

In Council

Vot^d^ That Mark Hunking Jo^n^ Wentworth & Geo Jaffrey Esq^rs^ be of a Committe from this Board to joyn w^th^ such as shal be Chosen by y^e^ house of Representatives to Receive y^e^ Claims & audit y^e^ acc^tts^ Due from this Prov^e^ R Waldron Cler Con —

8 Oct^r^ 1717

Red 3 times in y^e^ house of Representatives & voted a Concurrance —

The house adjorned for two hours —

The house Mett accordingly & m^r^ Sam^ll^ Tibbitt w^th^ y^m^ —

Vot^d^ y^t^ Coll James Davis Jo^n^ Gilman Esq^r^ & Josh Peirce be a Committe from this house to Joyne y^e^ Committe of y^e^ uper house for y^e^ audit of y^e^ Province Claims in order to be laid before y^e^ Assembly for allowance Josh Peirce Cler to y^e^ Assem^y^

In Councill

Vot^d^ that there be an Act past against guning in floats in this Prov^e^ y^t^ y^e^ Powd^r^ act be Revived — y^t^ there be an act past about Turpentine & y^t^ y^e^ laws be Revised & that y^e^ Committe of this house to joyne w^th^ such as Shal be Chosen by y^e^ house of Representatives for Preparing y^e^ Bils accordingly be Sam^ll^ Penhallow & Rich^d^ Wibird Esq^rs^ Rich^d^ Waldron Cler Con :

8 Oct : 1717

read 3 times & Voted a concurrance in al Excepting guning in floats — Josh Peirce Cle^r^ y^e^ Assembly

* In Council * 1–210

Vot^d^ That y^e^ Act Establishing y^e^ Court of Appeals Consisting of y^e^ Gov^r^ & Coun^ll^ be repeal & y^t^ y^e^ time for s^d^ Courts siting be appoint^d^ y^e^ 2^d^ tuesday of oct^r^ instead of Nov^r^ & y^e^ 2^d^ Tuesday of May instead of ap^l^ & y^t^ y^e^ Committe above Mention^d^ prepare a Bill accordingly — Rich^d^ Waldron Cle^r^ Con

8 oct^{r} 1717

Red 3 times in y^{e} house of Represent^{s} & voted a Concurrance in every Article Except y^{t} parragraph Relating to Guning in floats The House Adjorn^{d} til to morrow nine a Clock

9 Oct^{r} The House mett accordingly Present

m^{r} Speaker	Jo^{n} Gillman Esq^{r}	Eastman Esq^{r}
Coll Davis	And Wiggins Esq^{r}	m^{r} Eph Dennett
m^{r} Hugh Read	Cap^{t} Tibbit	Jo^{n} Damm
odiorn	Cap^{t} Gillman	Josh Peirce

Vot^{d} y^{t} Coll Davis John Gillman & Josh odiorn Esq^{rs} be a Comm^{tt} to Joyne y^{e} Comm^{tt} of y^{e} uper house to prepare y^{e} Bills above Mention^{d} Josh Peirce Cle^{r} Ass —

The house adjorn^{d} for 2 hours —

The house mett all Present as above

The house adjorn^{d} to 8 aclock tomorrow

10 Oct^{r} The house mett according to adjournm^{t} Presant

M^{r} Speak^{r}	Esq^{rs}	Tibbitt
Coll Davis		Denett
Odiorn		Gillman
Gillman		Damm
Wiggins		Peirce
Estman		m Read

Vot^{d} y^{t} 3 men be chosen of y^{e} members of this house to wait on his Excellency & Represent to him y^{e} Greivance y^{t} many of his Maj^{ts} good Subjets labor under by being Restrained by Jo^{n} Briger Esq^{r} his Maj^{ts} survey^{r} from loging in y^{e} woods in y^{s} Province

The house Adjorn^{d} for 2 hours —

The house mett & al Present as above

* 1–211 * Vot^{d} That his Excellency be Present^{d} wth one hundred & Sixty pounds out of y^{e} Interest of y^{e} fifteen hundred pounds let out to Sundry Gent^{m} in y^{e} year 1714 to be paid in Bils of Crd of this Province

Red 3 times & Order^{d} to be sent up by 4 Memb^{rs} of this house — the house Adjorned til tomorrow 8 a Clock

11 Oct: The house mett accordingly Present as yesterday Viz^{tt} m^{r} Speaker: Davis Odiorn Gillman Gillman Wiggins Eastman Tibit Denett Read Dam Peirce

The house adjorn^{d} for 2 hours

The house mett as above at 2 clock al Present as above
The house adjorn^{d} til tomorrow 8 a Clock

12 Oct The house mett according to adjourn^{mt} Present

m^{r} Speaker	Wiggins	Dam
Davis	Eastman	Peirce
Odiorn	Tibbit	Read —
Gilman	Gillman	

12 Oct: 1717 y^{e} following Dibenters were taken out in ful to this day Viz^{tt} m^{r} Speak^{r} Packer 12 day^{s} Denett 12 days Peirce 12 days Gilman 12 days Gilman 12 days Tibbitt 11 days Davis 12 days Eastman 11 days Read 11 days Odiorn 12 days Wiggins 12 days Dam 12 days —

12 Oct 1717 The house sent for up into Council Chamber & Pro Rogu^{d} till y^{e} 2 Tuesday in Jan^{r}y next by his Excellency Coll — Shute —

* 1717/8 21 feb. By Order of y^{e} L^{tt} Gov^{r} Wentworth y^{e} * 1–212
house of Representatives were sumon^{d} to meet att y^{e} Court house y^{e} Day above who mett accordingly Viz — m^{r} Speaker Packer Coll Davis Cap^{t} Tibbit Cap^{t} Hodiorn Cap^{t} Read Cap^{t} Jo^{n} Gillman m^{r} Eph Denett & Josh Peirce

Whereas ye Selectmen of Portsm^{o} have Complain^{d} to this house that their Town now lyes under a fine or Presentment for want of Schools in y^{e} Town —

Vot^{d} y^{t} y^{e} Selectmen be impower^{d} to Call & agree wth two Schoolmasters for y^{e} Town of Portsm^{o} y^{e} one for Latin y^{e} other for Readin writing & Syphering & Setle them as may be most beneficial for y^{e} Town at their best discretion

Whereas we have been Inform^{d} y^{t} Oliver Noyes & Elisha Cook Esq^{rs} of Boston have had Administration Grant^{d} to them by y^{e} Judge of Probate &ct for y^{s} Province on y^{e} Pretend^{d} Rites & Properties of S^{r} Cha^{s} Hobby Deceas^{d} & y^{t} y^{e} Bonds given for their Regular Administra^{n} was not Sufficient

Wherupon it is y^{e} Desire of y^{e} whole house Present y^{t} y^{e} upper house who is y^{e} Supreame Judge of Probate &ct: would put a Stop to any farther proceedings in y^{t} affaire till y^{e} Interest of y^{e} Province be a little Consult^{d}

Vot^{d} y^{t} m^{r} Speak^{r} Packer m^{r} Eph Denett & Josh Peirce be a Comitte from this house to Demand y^{e} Bonds y^{t} w^{r} formerly given by Sundry Gentl^{mn} of this Province for 1500 pounds Bills of Crd formerly lent to y^{m} w^{ch} Bonds were lodg^{d} in y^{e} hands of Coll Joseph Smith Deceas^{d} — & now to be Demand^{d} of his y^{e} s^{d} Smith^{s} widdow

Relict & wn Receivd to be lodgd in ye hands of ye Speakr of ye house of Representatives for ye time being till farther order

the house adjournd til tomorrow 8 a clock —

* 1–213 * 22 feb 171⁷/8 The house mett according to adjournment Present mr Speaker & ye Rest as yesterday —

Wheras there has been some proposals of moving ye Province Recordss from Majr Vaughans it being Supposd yt he ye sd Majr was Rendred incapable of officiating in sd office through Natural indisposition The house having by a Comitte Conferd wth Majr Vaughan do find him Capable to performe wt needfull as formerly Relating to that office & we yt are present being but about one halfe of this Society

Votd That ye sd Records be Continued wth Majr Vaughan till farther order

The house sent for by Ltt Govr Wentworth & Prorogud til ye 29 apr ensuing

1718: 29 apr The house mett According to Prorogation present

mr Speakr Packer	Davis	Read
Denett	Tibbitt	Dam
Peirce	Gillman	Wiggins
	Gillman	

His Excellencys Speach

Gentll This being ye usual time for ye Spring Sessions I am Come to meet you; and am glad to find yt those coals of contention wch were kindled & blowing up amongst us are by your Care in your Several Stations so hapily Extinguishd — all yt I have of Moment to ofer to you at this time is yt some spedy Methods might be thought on for ye Encouragmt of raising hemp & other Naval Stores wch will be very acceptable to ye Court of great Brittaine & highly advantagious to this Province: as also yt there may be an Impost & Excise wch I am Informd hath been yr Constant practis: before my Arrival in ys Governmt

Gent I believe this is a buisye Season of ye year I shall therfore so soon as you have dispatcht wt shal be Necessary Dismiss you to Pursue your own private affairs Samll Shute —

* 1–214 * 29 apr 1718 ye house adjournd til tomorrow Eight a Clock

30 apr 1718 ye house mett according to adjournmtt Present mr Speakr Packer Coll Davis Capt Tibett Jon Gillman Esqr Capt Jon Gillman Andr Wiggins Esqr mr Jon Dam: Josh: Peirce Eph Denett mr Eastman

The house adjournd for two hours —

The house mett according to adjournm^{tt}

Vot^{d} y^{t} y^{e} Excise be continu^{d} for y^{e} year Ensuing as formerly 30 ap^{r} 1718

Vot^{d} y^{t} Cap^{t} Reed & m^{r} Eph: Dennett be a Comitte to joyne with such as Shal be Chosen by y^{e} uper house to farme y^{e} Excise of this Province for y^{e} year ensuing 30 ap^{r} — 1718 —

The house adjourn^{d} til to morrow Eight a Clock

1 May 1718 the house mett according to adjournm^{tt} Present

m^{r} Speaker Packer	Peirce	Denet
Davis	Tibitt	Dam
Odiorn	Read	Wiggins
Gillman Esq^{r}	Gillman	Eastman

The house adjourn^{d} for two hour^{s}

The house mett according to adjournment all present as in y^{e} Morning — except m^{r} Eastman

The house adjourn^{d} til tomorrow eight a Clock —

2 May y^{e} house mett according to adjournm^{tt} Present

m^{r} Speaker	Denett	Peirce
Davis	Tibitt	Dam
Gillman	Gillman	Wiggins
Odiorn	Read	Eastman

* The house adjourd for two hours * 1–215

the house met according to Adjournment al present as in y^{e} Morning

The house adjourn^{d} til 7 tomorow

3 May The house met according to adjournm^{t} Present

m^{r} Speak Packer	Peirce	Denett
Davis	Tibit	Dam
Odiorn	Read	Wiggins
Gillman	Gilman	Eastman

The house adjourn^{d} till Munday 8 a Clock —

5 May 1718 The house mett According to Adjournm^{t} Present

m^{r} Speak^{r} Packer	Peirce	Denett
Coll Davis	Read	Dam
odiorn	Cap^{t} Gillman	Wiggins

The Petition of Joseph Clifford of Hampton Read in y^{e} house of Representatives & Voted y^{r}on y^{t} y^{e} Petitioner Enter upon y^{e} Estate men-

tion[d] in y[e] Petition & improve y[e] Same & Support y[e] fath[r] of s[d] Petitioner during life & defray his funeral Charge : & then Returne y[e] s[d] Estate to y[e] heirs &ct of y[e] Elder brother to whome y[e] Estate is bequeth[d]

An Answer to his Excellencys Speach of 29 ap[r] 1718

May it pleas your Excellency

It is w[th] much more pleasure y[t] we now have an oppertunity to meet y[r] Excell[y] y[n] w[n] y[os] Jarrs & Discord[s] w[ch] have for some time past unhapily Disturb[d] & Clog[d] y[e] affairs of y[s] Govern[t] are vanish[d] —

We are of opinion y[t] y[e] raising of Hemp & other Naval Stores would highly Conduce to y[e] Interest of this Province : as wel as be Servisable to y[e] Crown of great Brittain : but by reason of y[e] late long & tedious warr y[e] people of this Province have been so long pent up : as y[t] yet y[r] is not yet land Enough opend to raise a sufficiency of Corn for their Support : so y[t] att present we are not Capable to prescribe measures y[t] may Encourage itt —

* 1–216 * 1718 And as to an Act of Impost we are of opinion y[t] y[e] Charges of y[e] Gover[tt] is more Easily Defray[d] by way of Tax upon all persons & Estates — & y[t] it is most for y[e] Interest of all his Majes[ts] good Subjects of y[s] Province to have a free port this year —

But we think an Act of Excise very Reasonable & Desire one may be prepar[d] accordingly & as itt is y[e] Seed time of y[e] year we Shal to our uttermost forward all buisness y[t] this Sessions may be Short & in order therto — Desire y[t] y[e] Committee[s] for Auditing acc[tts] & Revising & preparing Laws may spedily give in their Reports y[t] we may proceed thereon Tho[s] Packer Speak[r]

The house adjournd for two hours

The house met according to adjournment al present as in y[e] Morning —

The house adjourn[d] til tomorow 8 a Clock

6 May 1718 The house mett according to adjourm[tt] Present

m[r] Speaker Packer	Peirce	Denett
Davis	Tibitt	Dam
Odiorn	Read	Wiggins
Gillman	Gillman	Estman

The house adjourn[d] for two hours —

The house mett according to adjournment al Present as in y[e] Morning —

The house adjournd till eight a clock tomorrow

7 May The house mett according to adjournᵗᵗ Present

mʳ Speakʳ Packer	Peirce	Denett
Davis	Tibitt	Wiggins
Odiorn	Read	Eastman
Gillman	Gillman	

The house adjournᵈ for 2 hours —

The house Mett according to adjournᵗ all present as in yᵉ Morning

* 1718 The house adjournᵈ til 8 a clock tomorrow * 1–217

8 May The house Mett according to adjournmᵗ Present

mʳ Speakʳ Packer	Peirce	Denett
Davis	Tibitt	Dam
Odorn	Read	Wigins
Gillman	Gillman	Eastman

The house adjournᵈ for 2 hours —

The house mett accordᵍ to adjournmᵗ —

The house adjournᵈ til tomorrow 8 a clock —

9 May yᵉ house met according to adjournmᵗᵗ all Present as yesterday —

Votᵈ that yʳ be an Aditional act to yᵉ act formerly made for Inspecting & Suppressing of Disorderˢ in Licenᵈ houses — & yᵗ yʳ be a Comitte apointᵈ to draw up yᵉ act accordingly — against Cards Dice & pinplaying & Shufelboard —

Josh Peirce Clʳ Asemˡʸ

The house adjournᵈ for two hours —

The house met according to adjournmᵗᵗ — al Present as in yᵉ Morning

Richᵈ Dollife having Petitionᵈ yᵉ Genˡˡ Assembly for Releife being much Reducᵈ by Journying to Canada &ct for his Captive Children —

Votᵈ yᵗ Ten poundˢ be paid out of yᵉ publick Treasury of this Province to mʳ Jacob Windel of Boston on accᵗᵗ of yᵉ Petitioner abovesᵈ

The house adjournᵈ til Tomorow 8 a clock

10 May The house met according to adjournmᵗᵗ all Present as yesterday

* 10 May 1718 Memorand — yᵗ Coll Plaistedˢ Bond for fifty poundˢ wᶜʰ he took of yᵉ 1500 poundˢ of yᵉ Publick money is this day put into yᵉ handˢ of mʳ Treasʳ Penhallow in order to be put in * 1–218

Suit against him he Refusing to Renew his Bond w^ch^ terminated in oct^r^ 1716 last past as y^e^ other Gen^ll^men did who were equaly Circumstanc^d^ w^th^ him

The Petition of y^e^ Inhabitants of Kingstown having been Read & Consider in this house : —

Vot^d^ y^t^ y^e^ Inhabitants of Kingstown shal have five hundred pounds out of y^e^ 1500 pounds y^t^ is in y^e^ hand^s^ of y^e^ Grand Comitte for Managing y^e^ 15000 pounds of Bank Bils provided y^r^ be so much left when y^e^ charge of making Signing & Emitting &ct of s^d^ Bills of Crd be Defray^d^

In Council

James Davis Jo^n^ Gillman Sam^ll^ Eastman Esq^rs^ Came to this board from y^e^ house Representatives & Declard that they were present in s^d^ house when y^e^ vote of Gen^ll^ Assembly about y^e^ Diference at Portsm^o^ Dat^d^ 8 oct^r^ 1717 was past in their house & y^t^ Cap^t^ Pickren being Sent for was Present in s^d^ house & heard S^d^ vote Read w^ch^ he s^d^ was right & Consented to before y^e^ vote was past —

An Explanation of y^e^ Vote of y^e^ Gen^ll^ Assem^bly^ past in 8 Oct^r^ 1717 Relating to y^e^ Difference^s^ in y^e^ Town of Portsm^o^

Whereas there was two Petitions Prefer^d^ to y^e^ Gen^ll^ Assembly one by y^e^ party of y^e^ Bank parish y^e^ other by y^e^ mill dam Parish Relating to y^e^ Setlement & Suport of y^e^ Ministry in Each Parrish amongst other perticulars y^n^ Resolv^d^ on — it was Vot^d^ y^t^ al y^e^ Inhabitants of Portsm^o^ unless those therin Except^d^ Viz^tt^ y^e^ Parish of Greenland & those formerly Set of to Newington should be Assess^d^ to ye
* 1-219 Support of m^r^ Rogers as formerly by *three men Legally chosen at a Regular parish Meeting for y^t^ end — Excepting also al those y^t^ were dispos^d^ to Support y^e^ Ministry in y^e^ Old meeting house — who by s^d^ vote were oblig^d^ to distinguish y^m^ selves : Cap^t^ Pickren being present as Representative for y^e^ Mildam Parish : by giving in y^r^ Names to y^e^ Selectmen of y^e^ Town on or before ye 20 Nov^r^ of above s^d^ year — & wheras by mis Representation of s^d^ vote Sundry Inhabitants have been Rate^d^ by y^e^ Churchwardens to both Parishes to y^e^ great wrong of s^d^ Inhabitants so tax^d^ or Rated —

Vot^d^ y^t^ it is to be understood y^t^ al y^e^ Inhabitants belonging to both y^e^ Parish^s^ of y^e^ Bank & Milldam were from y^t^ day forward to be att their Liberty to Joyn themselves to w^ch^ Parish they pleas^d^ & y^t^ having Declar^d^ to which ministry they would joyn they should not be Rate^d^ or Tax^d^ by y^e^ Churchwarden^s^ of y^e^ other Parish any Law usage or former Custome to y^e^ Contrary Notwithstanding —

Read in y^e^ house of Representatives & order^d^ to be Sent up to y^e^ uper house for concurrence — Josh : Peirce Cl^r^ Assem^ly^

Vot[d] y[t] any Member of this house y[t] shal neglect to wear his Sword or be found w[th]out it during y[e] Sessions of Gen[ll] Assembly from y[s] day shal pay a fine of five shils to Clark for y[e] Use of y[e] house — The house adjourn[d] til munday next at nine a Clock

12 May The house met according to adjourm[t] Present

m[r] Speak[r] Packer	Peirce	Denet
Davis	Tibit	Dam
Gillman	Gilman	Wiggins
Odiorn	Read	Eastman

The house adjourn[d] for ¾ of an hour

The house met according to adjournm[t] al present as in y[e] Morning —

* The Titles of Sund[r] act past 10 May 1718 * 1–220

Viz[tt] — 1 — An act to prevent Comon Nusances
2 — An Act to prevent Causles Arests &ct —
3 — An Act directing y[e] admission of Town Inhabitants
4 — An Act for Regulating Town & Proprietors Meetings
5 — An Act for Regulating fferryes
6 —
7 — An Act for beter Securing y[e] paym[tt] of Prison Charges
8 — An Act for providing Pounds & to Prevent Rescous or pound breach —
9 — An act for Regulating Townships Choice of Town offi-cers & Seting forth their power
10 — An act for y[e] Encourag[g] y[e] Kiling of Wolves
11 — An act Relating to Strays & Lost goods &ct —
12 — An act to prevent y[e] Concealing Estates from Assess[rs] —
13 — An act for y[e] Beter Regulating Swine going at Large
14 — An act for Suppressing Robery[s] & Assaults
15 — An act for Restraining Inhumane Severityes
16 — An act for Regulating Catle Cornfield[s] & fences
17 — An act to prevent Trespasses in Cuting down trees upon land w[th]out fence —
18 An act for payment of wound[d] Souldiers —
19 An act for Suppressing & Punishing Rogues Vagabond &ct
20 —
21 An act for y[e] Equal Distribution of Insolvent Estates
22 An act Relating to Surties in Mean process in Civil Ac-tions
23 An act for Regulating weights & Measures

24 An act against Murder &ct
25 An act about powder Money —
26 An act to prevent Charges arising upon this Province for prisoners Comit[d] for theft
27 an act to Enable Crd[rs] to receive y[r] Just debts out of y[e] Efects of y[e] absent or absconding detors —
28 — An act Ease people y[t] are Scrupulous of Swearing
29 — an act against Intemperence Prophanes Imorality & for Reformation of maners
30 an act Relating to y[e] office & Duty of a Crowner —
31 an act for Establishing y[e] formes of oaths —
32 an act for making lands & tenements lyable to pay Debts
33 an act for regulating y[e] Militia —
* 1-221 * 34 an act for Repealing of y[e] act ab[t] Bankrupts —
35 An actt to enable Town Villages & proprietors in Comon & undivided Lands to Sue & be Sued
36 — an act for Repairing highways &ct
37 an act Relating to apeals from judgments in Bar or Abatement
38 an act in adition to y[e] act Entituled an act for y[e] better observation & keeping of y[e] Lords day
39 — an act Prescribing forms of writts in Civil Cases
40 an act against Hawkers Pedlers & Petty Chapmen
41 an act for Explanation of y[e] act for Establishing Courts of publick justice in this Province
42 an act for Regulating fees
43 an act for Regulating Mills
44 an act for Privilidge of ye Members of y[e] General Assembly

In y[e] house of Representatives

Vot[d] y[t] y[r] be an act drawn up for y[e] Regulating of y[e] fishery & y[t] y[r] be a Comitte apoint[d] to draw up y[e] act accordingly —
12 May 1718— Read & order[d] to be sent up for Concur[nc]
Josh Peirce Cl[r] Assem[ly]

Vot[d] y[t] Joth Odiorn Esq[r] & Cap[t] Hugh Read be a Comitt[e] from this house to joyne y[os] to be chosen by y[e] uper house to draw up s[d] act
Josh : Peirce Cl[r] Assem[ly]

a Vote was sent by y[e] house of Representatives to y[e] uper house for defering the payment of one halfe of y[e] two thous[d] pounds w[ch] Should have been Rais[d] y[s] year unto y[e] year 1723

The house adjourn[d] til tomorrow 6 a clock

13 May y^e^ house Met according to adjourn^t^ al Present as yesterday Except Cap^t^ Wiggins — who Came in quickly after —

In y^e^ house of Representatives

Wheras it appears to y^s^ house by m^r^ Treasu^rs^ acc^tts^ for y^e^ two years last past y^t^ y^e^ growing Charge of y^e^ Province hath been very great

Vot^d^ y^t^ two thous^d^ pounds Bils of Crd of y^s^ Province be repeated & y^t^ y^e^ same shal be paid in y^e^ year 1722

* 13 May Vot^d^ one thous^d^ pounds of y^e^ above s^d^ Bills now * 1–222
in y^e^ Treasury be burnt by y^e^ 4 day of June next & y^t^ a Comitte of both house be chosen for y^t^ end —

Vot^d^ y^t^ Coll Packer Coll Davis & Capt Read be a Comitte from this house to joyne such as shal be Chosen by y^e^ uper house to se y^e^ nine hundred pounds burnt w^ch^ is now order^d^ by y^e^ gen^ll^ Assembly

Vot^d^ y^t^ his Excelency Coll Shute be present^d^ w^th^ 140 pounds & y^t^ y^e^ same be paid out of y^e^ Treasury

13 May 1718 Vot y^t^ y^e^ L^tt^ Gov^r^ Wentworth be allow^d^ 5/o a day to be aded y^e^ 5/o alowd him as a Counsel^r^ —

Order^d^ y^t^ y^e^ publick acc^tts^ of this Province be shut up : this house not having time now to go through w^th^ them & y^t^ upon y^e^ first opening of y^e^ house at y^e^ Next Sessions y^e^ same acc^tts^ shal be first proceed on til perfect^d^

Vot^d^ y^t^ y^e^ ffort boat shal attend y^e^ Members of Gen^ll^ Assem^ly^ for carrying y^m^ up & Down during each Sessions

The house adjournd for one houre

The house met according to adjourn^t^ —

Mem : itt being y^e^ time of y^e^ Sitting of y^e^ Superior Court y^e^ house adjourn^d^ from y^e^ Court house to y^e^ great room in m^r^ Speak^r^ Packers house

The house adjournd til tomorrow 7 a Clock —

14 May The house met according to adjournm^t^ Present M^r^ Speak^r^ & al as yesterday —

* 7 May 1718 Vot^d^ y^t^ y^e^ Comitte appoint^d^ by y^e^ General * 1–223
Assembly in 1715 shal forthwith Run y^e^ lines as is Express^d^
in s^d^ vote & imediatly make Return of y^r^ doings therin unto his Hon^r^ y^e^ L^tt^ Gov^r^ & farther y^t^ y^e^ s^d^ Comitte be Sworne before a justice peace to y^e^ faithful discharge of their office & farther y^t^ y^e^ bounds between Portsm^o^ & Hampton be first Run & so Round in Course — Rich^d^ Waldron Cl^r^ Con^l^

In y^e^ house of Representatives

Red & Concur^d^ w^th^ — Josh : Peirce Cl^r^ Assem —

Order^d^ y^t^ m^r^ Speak^r^ — Cap^t^ Odiorn Cap^t^ Read L^tt^ Eph Dennet & Cl^r^ Peirce go tomorrow to see y^e^ 900£ province Bils Burnt —

the following Dibenters were taken out to this day 14 May 1718 Viz^tt^

Coll : James Davis — 20–days
Cap^t^ Sam^ll^ Tebet — 19–days
Cap^t^ Joth^m^ Odiorn — 18–days
M^r^ Read — 16–days
Cap^t^ John Gillman — 20–days
John Gillman Esq^r^ — 18–days
And^r^ Wiggins Esq^r^ — 16–days
M^r^ John Dam — 16–days
Sam^ll^ Eastman Esq^r^ 14–days

Vot^d^ y^t^ W^m^ Moore be aded to y^e^ above Comitte & y^t^ y^e^ s^d^ Comite do meet att any time & place according to a Warrant or order of y^e^ L^tt^ Gov^r^ under his hand upon y^e^ forfiture of 20/ a day for every day any Person shal neglect or Refuse to appear unless lawful cause be shewn for his absence —

Read in y^e^ house of Represen^ts^ & order^d^ to be sent up for Concurrence — Josh : Peirce Cl^r^ Assem^ly^

May 12 — 1718 In Council

Voted a Concurrence Rich^d^ Waldron Cl^r^ Con —

* 1–224 * Wheras y^e^ Town of Kingstown in this Province at this Sessions of Gen^ll^ Assem^ly^ have had y^e^ Sum of 500£ vot^d^ them out of y^e^ 1500£ Lodg^d^ in y^e^ hands of y^e^ Grand Comitte being part of y^e^ 15000 pounds Rais^d^ in Oct^r^ 1717 —

Vot^d^ That Kingstown have five hundred pound^s^ out of y^e^ fifteen hundred pound^s^ above s^d^ they paying y^e^ Sum of three ℔ cent ℔ Annum yearly & y^e^ principle also at y^e^ End of y^e^ time agreed on w^th^ y^e^ Grand Comitte & to give land Security y^e^ interest to begin upon Receipt of y^e^ Money —

The house sent for up by his Excelency Coll Shute & Prorogu^d^ to y^e^ first day of august next 14 May 1718

1 aug^st^ 1718 Met according to Prorogation present M^r^ Speak^r^ Packer Joth Odiorn Esq^r^ & Josh Peirce Maj^r^ Gilman Cap^t^ Jn^o^ Gilman

by Order of L^tt^ Gover^r^ Wentworth y^e^ Generall assembly is farther Prorogue^d^ to y^e^ second tuesday in octob^r^ Next :

1 aug^st^ 1718 Josh Peirce Cler : Assem

1718 7 Oct^r by vertue of his Excellency Coll Shute^s Special warrant y^e house mett this day Present

M^r Speaker	Cap^t Tibitt	Cap^t Read
Denett	Maj Gillman	m^r Jo^n Damm :
Peirce	Cap^t Jo^n Gillman	Maj^r Ware
Coll Davis	Joth Odiorn Esq^r	

Maj^r Peter Ware being Chosen by y^e New Parrish of Hampton by vertue of y^e Govern^rs precept for a representative being y^s day qualified took his place att y^e board accordingly 7 Oct 1718 —

The house adjour^d til tomorow nine a Clock

* a Copy of his Excellencyes Speach 7 Oct^r 1718 — * 1–225

Gent^lm there was so much buisnes done y^e last Sessions y^t I do not know of much y^t necessary to be done at this meeting — al y^t I have to Recomend to you is w^t my Master y^e King Comand^s me : w^ch is y^t y^e Castle w^ch is very much decay^d in its works & fortifications be repaird & y^t y^e Goal may be made so Strong as to prevent Escapes for y^e future & y^t a place of Execution may be apoint^d & a galows Erect^d for Justice w^th her Scales in her hand w^thout her Sword : wil make but a Meane figure in y^e world

I am also to Informe you y^t y^e Province of y^e Massachusets has according to y^e Instructions given me by y^e King : Grant^d their L^tt Gov^r Some alowance to defray y^e Charge w^ch Necessarily attend^s y^t Station & I question not but you wil follow their Laudable Example—

I hope y^e Detachment y^t I sent under y^e Comand of Cap^t Mooday has att present broke y^e vile designs of y^e Indians but am Sorry to hear y^t y^e greatest part of y^e New hampsh^r men have so Shamfully betray^d y^e trust their Country Repos^d in y^m by Desertion : I have order^d them to be taken up y^t so they may be brought to condign punishment w^ch I hope wil prevent it for y^e future —

I have used my best Endeavours to Serve this Province by getting y^e Duty of your Lumber to be taken of and am pleas^d y^t I can acquaint you y^t I am not w^thout hopes of having itt done in a Short time —

Gent^lm I have nothing farther to Recomend to you but Dispatch in y^e affairs before you Sam^ll Shute

8 Oct^r y^e house mett according to adjournm^tt Present

Coll Davis	Cap^t Gillman	Read
Maj^r Ware	odiorn	Dam
Maj^r Gillman	Denett	Peirce
	Tibitt	

Coll: Davis Chosen Speaker pro Tempore —

The Petition of Jo^{n} Burss of oyster River being Read wherin he Sets forth his Necessitous Circumstances —

Vot^{d} y^{t} y^{e} Selectmen of Dover be advis^{d} to do y^{r} duty & take care of y^{e} s^{d} Jo^{n} Burss & supply him wth w^{t} he is in Necessity of according to y^{e} law of this Province & y^{t} y^{e} Town pay 20 yearly out of y^{e} town Stock

* 1–226 * The house adjourn^{d} for two hours —

The house met according to adjournm^{t} all present as in y^{e} Morning —

The house adjourn^{d} to eight a Clock in y^{e} Morning —

9 Oct: the house mett according to adjourm^{tt} Present

m^{r} Speak^{r}	Gillman	Wiggins
Denett	Gillman	Ware
Peirce	Dam	Tebett
Davis	Eastman	

Vot^{d} y^{t} m^{r} Speak^{r} Packer Maj^{r} Jo^{n} Gillman Esq Joth^{m} Odiorn Esq^{r} & Cap^{t} Hugh Read be a Comitte from this house to joyne Such as may be Chosen of y^{e} uper house to view y^{e} Prison — & y^{e} ffort at Newcastle & y^{t} they make y^{r} Report imediately to y^{e} General Assembly y^{t} this Sessions may Make orders for w^{t} Necessary accordingly — Josh Peirce Clerk Assem^{y}

The house adjournd for two hours —

The house met as in y^{e} Morning & Maj^{r} Ware also

Vot^{d} y^{t} m^{r} Speaker Packer Jo^{n} Gilman Esq^{r} Joth^{m} Odiorne Esq^{r} & Cap^{t} Hugh Read be a Comitte from this house to joyne such as may be Chosen of y^{e} uper house to apoint a proper place for Execution of Criminals & to order a Gallows to be Erect^{d} for y^{t} End Josh Peirce Cl^{r} —

an acc^{tt} of w^{t} order^{d} to be paid out of y^{e} Treasury On y^{e} acc^{tts} of Subsisting Keniston & y^{e} Indians &ct: Viz^{tt}

to m^{r} treasur^{r}	42– 9–9
to y^{e} undersherif —	14–15–0
to m^{r} Jam^{s} Jeffrye —	1– 5–0

The house adjourn^{d} til tomorow 8 aclock —

10 — The house Mett according to adjournm^{t} Present

m^{r} Speak^{r}	Tebets	Read
Denett	Estman	Odiorn

Peirce	Gilman	Wiggins
Davis	Gilman	Dam
	Ware	

* 1718 The house adjourn^{d} for two hours — * 1–227

The house met according to adjourm^{t} Present as in y^{e} Morning

The Petition of y^{e} Selectmen of Portsm^{o} having been Red Relating to moving y^{e} Prison & a Comitte of four members of both houses Chosen to agree & make their Report theron —

The house adjourn^{d} til tomorrow 8 a Clock —

11 Oct^{r} The house met all Present as yesterday Except m^{r} Eastman

The Comitte for making Report of y^{e} most proper place for punishing Criminals & Erecting a Gallows having made their Return w^{ch} was Concurd wth by y^{e} Council & Vot^{d} by y^{e} Assem^{by} Viz^{tt} y^{t} y^{e} late usual place near y^{e} present Goal be y^{e} place for punishing Criminals & y^{t} a Gallows be Erected in y^{e} Old Training field of Portsm^{o} between Mess^{rs} Will^{m} Cotten & Edw : Cates their houses —

Tho^{s} Packer	Hugh Reed	Shad Walton
Joth^{m} Odiorn	The^{o} Atkinson	R Wibird

The Comitte for viewing y^{e} foart at Newcastle & y^{e} Comon Goal at y^{e} Bank having made Report of y^{e} Deficiency of Each it was Vot^{d} by both houses y^{t} y^{e} s^{d} Comitte Viz^{tt} Mess^{rs} Packer Gillman Odiorn & Reed shal se to y^{e} Needful repairs of the Same as Soon as they may wth Conveniency —

Vot^{d} y^{t} Coll : Packers house att Greenland by y^{e} Mill dam in y^{e} Country Road be one of y^{e} Publick licenc^{d} houses allow^{d} in Portsm^{o} paying Excise according to Law —

11 Oct^{r} 1718 Josh Peirce Cl^{r} Assem^{ly}

* 11 Oct 1718 The Petition of y^{e} Inhabitants of New- * 1–228
castle w^{r}in they desire y^{t} order may be Grant^{d} y^{t} an indiferent Comitte may be apoint^{d} y^{t} is in no way Interest^{d} in either Town to Run their first line & to allow y^{r} bound^{s} to Run by hampton line to y^{e} Sea as was formerly Vot^{d} which Petition was Vot^{d}

Josh Peirce Cl^{r} Assem^{ly}

Vot^{d} y^{t} y^{e} Comitte & Represent^{s} of Each Town or Parish in this Province for leting out y^{e} 15000 pounds Rais^{d} in oct^{r} 1717 be allow^{d} two ℔ Cent to defray y^{e} Necessary Charges in leting out y^{e} Same & y^{t} y^{e} Several Comittis & Represent^{s} of Each Town bring in their acc^{tts} & Mortgages to y^{e} Grand Comitte att their Next Ses-

sions w^r they Shal Receive their wages w^ch Sessions wil be y^e first wensday in Nov Next & whoever of s^d Comittes in any town shal neglect to attend this order shal lose their whole Claime

Vot^d y^t his Excellency be Present^d w^th 90 pounds out of y^e treasury of y^e Province

The house adjourn^d for two hours —

The house met according to adjournm^t all Present as in y^e Morning —

The house adjourn^d til Munday Next 9 : a Clock

an answer to his Excellency^s Speach —

May it pleas your Excellency

We are of opinion y^t tis highly Necessary y^t y^e ffort at New Castle be repaird & have Chose a Comitte for y^t end — as also y^t al due care be taken by y^e Same Comitte to Repaire y^e Goal & y^t a place of Execution be apoint^d & a Gallows Erect^d —

& our Regards to y^e L^tt Gov^r are such y^t we would willingly Demonstrate them by a generous Present but y^e publick Charges are so great y^t we have no other View but y^e Excise of this Province til next may Provided y^e honour^ble y^e Council may be prevail^d w^th to Come into it

* 1–229 * We thankfully acknoledge your Excellencys Early care to prevent any vile design of y^e Indians by Sending out Cap^t Moody w^th a Scout to Cover y^e frontiers — But in as much as your Excellency was pleas^d to order one thir^d part of s^d Scout out of this Province : we Humbly pray y^t this may be no President for y^e future this Province being but about a twelfth part in proportion in Capacity w^th y^e Massachusets —

We Rejoyce in y^r Exellency^s favour Relating to y^e Duty of our Lumber being taken of & Humbly pray y^t y^r Excellency wil pleas to Continue y^e Same to us — & as to y^e Present Buisnes of this Sessions we shal use al possible Dispatch to Shorten y^e Same

Tho^s Packer Speak^r

13 Oct^r 1718 the house met according to adjournm^t Present-

m^r Speaker	Maj^r Gillman	Ware
Denett	Cap^t Gillman	Dam
Peirce	Odiorn	Wigins
	Read	

the house adjournd for two hours —

the house mett according to adjournment all present as in y^e Morning —

The house Sent for up into Council Chamber & were Prorogu[d] to y[e] 30 Decem[r] w[ch] wil be on a tuesday by his Excellency Coll Shute
13 Oct 1718 Josh Peirce Cl[r] Assem[ly]

Memoran[d] m[r] Speaker took out his Debenter for his Servis in Gener[ll] Assembly from 12 Oct 1717 to y[e] 13 Oct 1718 being al y[t] was then due for 31 days

L[tt] Eph : Dennett for D[o] — 29 days —
Josh Peirce for D[o] — 32 days —

* 1718 : Dec[r] 30 : The house mett according to Proroga- [* 1–230
tion Present

m[r] Speaker Packer :	Denet :	Dam
Odiorn :	Reed —	Wigins
Gillman :	Gillman	Ware
	Peirce	

The house adjourn[d] for two hours —

The house mett according to adjournm[t] al present as in ye Morning

31 Dec[r] Vot[d] y[t] three shils be added to y[e] Seven formerly allow[d] to make y[e] stipend or wages of Each Comitte man for Setling town Bounds &ct ten shils ℔ Diem — Rich[d] Waldron Cl[r] Con —

Read twice in y[e] house of Repres[ts] & Concurd
J Peirce Cl[r] Assem

The Comitte appoint[d] for Setling y[e] Town bounds w[th]in this Province &c[t] made their Return & gave in a Coppy of y[e] Journal to his Hon[r] y[e] L[tt] Gove[r] w[ch] Return & journal both dated 24 : x[r] 1718 was this day by him laid before this board where it was accept[d] & Voted y[t] y[e] Return be herby Confirm[d] & y[t] y[e] bound[s] y[r]in Mention[d] shal be y[e] Establish[d] lines & boundaryes for al y[e] town therin Mentiond & y[t] it be sent down for Concurance
30 x[r] 1718 Rich[d] Waldron Cl[r]

Red & order[d] to lye under Consideration til y[e] next Sessions —
Josh Peirce Cl[r] Assem[ly]

The house adjourn[d] til Seven a Clock tomorrow morning —

31 Dec[r] The house met according to adjournmen[t] al present as yesterday & Coll Davis

The house adjourn[d] for an houre & halfe

The house met according to adjournm[tt]

James Jeffry[s] acc[tt] for Runing y[e] Lines between y[e] Several towns

& Parishes in ye Province &ct — amounting to 14/10/0 allowd & orderd to be paid out of ye treasury —

Votd yt ye 200 pound Publick money formerly let to Richd Gerrish Esqr Deceasd be Demanded of his Son Richd Gerrish & if he neglect or Refuse to pay ye Same yt ye Bond be put in
* 1–231 * Suitt: & yt Mr Speakr Packer & Josh Peirce be impowerd to se ye Same Prosecuted to Efect Josh: Peirce Clr Asemly

Votd yt whosoever shal from hence forward discover any person or persons yt shall be guilty of Counterfiting any of ye Plates or Publick Bils of Crd of the Province of Newhampshr & Convict him or them of ye Same Shal as a gratuity fifty pounds out of ye treasury of this Province and yt ye treasurer be desird to take Care ye same be insertd in ye Publick News letter —

And that if his Excellency think meet to make any alteration of ye above vote to bring it more in Conformity to ye tenor of ye Massachusets proclamation not altering ye bounty he be desired to do the Same.

The house Sent for up into Council Chamber & prorogud by his honr Ltt Govr Wentworth till ye 25 March next —

1719 Mar: 25: The house mett according to Prorogation present

mr Speakr Packer	Read	Gillman
Peirce	Ware	Dam
Denett	Gillman	Tebett

The house sent for up into Council Chamber & Prorogud to ye 23 apr next by his honr ye Ltt Govr —

Memorand: mr Jno Dam took out his Debenter for his Servis in Genll Assembly from ye 14 May 1718 to 25 Mar 1719 being al yt was Due 14 days

* 1719 23 apr The house mett according to Adjournmen t * 1–232 or Prorogation Present

mr Speaker	Wigins	Odiorn
Peirce	Gilman	Reed
Denett	Gilman	Tebett
Ware	Dam	

His Excelencys Speach

Gent: I promisd you Some time Since yt I would use my Best Endeavour at home to gett ye duty taken of from your Lumber & can now wth great Pleasure assure you yt our Gracious Lord & Master King George has given his Consent to it —

To make this Royal favour y^e^ most servisable to us it wil be highly Necessary to Ascertaine y^e^ Number of Mills w^ch^ will Make your Lumber very valuable; wil very much preserve y^e^ timber & wil also be very acceptable to y^e^ Crown & Shew our Gratitude to y^e^ King for his Signal favour toward^s^ this Province —

There are dayly Complaints Made by y^e^ People that live near y^e^ lines of y^e^ injustice they Suffer by their Remaining so long unsetled: I wish that y^e^ Comissioners on both Sides would quickly meet & find out Some Metho^d^ to terminate this unhappy Difference w^ch^ would very much tend to Cultivate a good harmony & friendship betwixt y^e^ two Provinces

I have nothing more at this time to offer but again to Remind you of Repairing y^e^ Castle to give al Necessary Encouragm^t^ to y^e^ Raising of Hemp & also to these new Iron works: w^ch^ w^th^ y^e^ Duty taken of y^r^ Lumber will w^th^ wise Managment Render this a happy & flourishing Province

Ap^l^ 23^d^ 1719 Sam^l^ Shute

* The house adjourn^d^ til tomorrow Eight a Clock * 1–233

24 ap^r^ y^e^ house mett according to adjournment Present

m^r^ Speak^r^ Packer	Tebett	Wiggins
Peirce	Dam	Ware
Denett	Gilman	odiorn
Coll Davis	Gilman	Read

Vot^d^ That Coll: James Davis Joth^m^ Odiorn Esq^r^ & Josh: Peirce be a Comitte from this house to joyne Such as may be Chosen of y^e^ uper house to Auditt y^e^ Publick acc^tts^ of y^e^ Province

Josh Peirce Cl^r^ Assem^y^

Maj^r^ Pet^r^ Ware & Maj^r^ Jn^o^ Gilman Esq^rs^ & L^tt^ Eph: Denet are apoint^d^ a Comitte to Answer his Excellency^s^ Speach

The house adjourn^d^ for two hours —

The house mett in y^e^ afternoon al Present as in y^e^ Morning —

In answer to your Excellency^s^ Speach

We Return your Excellency many humble & hearty thanks for your great favour obtain^d^ of his Majest^s^ in taking of y^e^ Duty of Lumber —

As to ascertaining y^e^ Number of Mills we Leave itt to farther Consideration

As to Seteling y^e^ line between y^e^ two Provinces we are Ready to Chuse a Committe to joyne w^th^ a Committe of y^e^ upper house to Meet w^th^ a Committe of y^e^ Massachusets when they please for that end

as to y^e^ Repairing y^e^ Castle there is a Comitte Allready Chosen to Se y^t^ it be done and are dayly providing for y^e^ Same

as to y^e^ Encouragm^tt^ of Raising Hemp we are ready to give al Incouragm^tt^ w^ch^ may be thought Reasonable —

as to y^e^ Ironworks we are Humbly of Opinion y^t^ y^e^ profit therof may Support y^e^ undertakers of y^e^ Design

* 1–234 * 1719 24 ap^r^ Vot^d^ y^t^ y^e^ Excise be continue^d^ for y^e^ year Ensuing & y^t^ a Committe be Chosen to take Care of y^e^ Same —

Vot^d^ That Cap^t^ Hugh Reed & L^tt^ Eph : Denett be a Comitte from this house to Joyne such as may be Chosen by y^e^ upper house to farme y^e^ Excise for this present year Josh : Peirce Cl^r^ Assem^y^

Wheras there is a Controversie between the Province of New hamp^sh^ & Mass^a^ts Concerning y^e^ divisional line between s^d^ Provinces w^r^by Several Misunderstandings have arisen & may Stil arise for prevention w^r^of it is

In Council

Vot^d^ y^t^ Mark Hunking & Rich^d^ Wibird Esq^rs^ be a Comitte from this Board to Joyn w^th^ two y^t^ may be Chosen by y^e^ house of Representatives to goe w^th^ a Surveyer y^t^ they Shal appoint & have w^th^ them & view Merimack River & take a Survey Draught of s^d^ River & to Run y^e^ s^d^ divisional line according to y^e^ Massachusets Charter & to make a Returne of y^e^ s^d^ Draft of y^e^ River & line att y^e^ Next Sessions of Gen^ll^ Assembly & y^t^ y^e^ s^d^ Committe be paid out of y^e^ Treasury ten shils a peice ℔ Diem for their Service as also y^e^ Chain men &ct to be paid out of y^e^ treasury —

24 ap^r^ 1719 Rich^d^ Waldron Cl^r^ Con

In y^e^ house of Representatives

Read & Concur^d^ — Josh Peirce Cl^r^ Assem^y^

Vot^d^ That Coll : Jam^s^ Davis & Major Pet^r^ Ware be a Comitte from this house to Joyne y^e^ Gent^l^ of y^e^ Com^tt^ of y^e^ upper house to Run y^e^ line & take y^e^ Draft of y^e^ River Merrimack & make y^r^ Return as above — Josh Peirce Cl^r^ Assem^y^

* 1–235 * The house Adjourn^d^ til tomorrow Eight a Clock

25 : ap^r^ : The house Met all Present as yesterday —

In Councill

Vot^d^ y^t^ his Hon^r^ y^e^ L^tt^ Gov^r^ Mark Hunking & Geo Jaffry Esq^rs^ be of y^e^ Comitte from this board to joyne w^th^ y^os^ Chosen by y^e^ lower house to auditt y^e^ Publick acc^tt^ of y^e^ Prov^e^

24 ap^r^ 1719 Rich^d^ Waldron Cler : Con

Votd That his Excellency be Presentd wth 110 pound to be paid out of the Treasury of this Province in Bills of Crd of the Same

Josh : Peirce Clr Assemy

The house Adjournd til tuesday Next ten a Clock

1719 28 apr The house mett according to adjournment Present

mr Speaker	mr Dam	Davis
Denett	Gillman	Odiorn
Peirce	Gillman	Reed
	Ware	

The house Adjornd til tomorrow Eight a Clock

29 — The house mett according to adjournmtt all Present as yesterday & mr Tebett & mr Dam & mr Eastman

The house adjournd for 2 hours —

The house mett as by Adjourmt —

* 29 ap 1719 The house adjournd til tomorrow Seven a Clock — * 1–236

30 apr The house mett according to adjournmtt Present

mr Speakr	Gillman	odiorn
Peirce	Gillman	Reed
Denett	Davis	Ware
Dam	Tebett	Eastman

Eliphtt & Tristram Coffins Petition Read In ye house of Representats from ye uper house &

Votd a Concurance — Josh Peirce Town Clr

The Petition of Benjn Levitt of Stratham for lince to keep a Publick house free of Excise ye Desire of ye sd Petition being Grantd by the uper house : ye house of Represents having Considerd it votd a Concurrence Josh : Peirce Clr Assemy

Voted that four pounds be aded to wt already allowd mr Speakr Packer for fireing for ye Courts &ct :

This day ye Comitte of Auditt made their Returne of yr Doings & laid ye Same before ye house for their allowance —

This Day a Vote was past for Preventing al Iron Mine or Ore Not to be transported out of ye Province

The house adjournd for two hours —

The house mett according to adjournmt

* In ye house of Represents * 1–237

Votd That ye Town of Newcastle have ye liberty of building a Bridge from Great island to Sanders Point on ye Maine Land : Pro-

vided it be done at y^e^ proper Cost of Newcastle or such as shall freely Subscribe therto : they leaving a Convenient passage for Shallops &ct by a Drawbridge —

30 ap^r^ 1719 — Josh : Peirce Cl^r^ Assem^y^

The house Adjourn^d^ til Eight a Clock tomoro

1 May The house mett according to adjournment all Present as yesterday Except m^r^ Dam —

Maj^r^ Ware Chosen Speaker pro : Tempore —

The house adjournd for 2 hours —

The house mett according to adjourm^t^ —

Wheras there was a Motion made by y^e^ Uper house y^t^ Maj^r^ Vaughan was Rendred uncapable of Managing y^e^ Publick Records of y^s^ Province he being Superanuat^d^

Vot^d^ y^t^ y^e^ Records be Remov^d^ from Maj^r^ Vaughans unto Some meet person y^t^ Shal be appoint^d^ —

Vot^d^ yt Sam^ll^ Penhallow Esq^r^ be y^e^ Record^r^ of y^s^ Province & y^t^ y^e^ Records be remov^d^ into his hands During pleasure

1 May 1719 Josh : Peirce Cl^r^ Assem^y^

The house adjourn^d^ til Seven a clock tomorrow morning —

1719 2 May The house mett according to adjournment Present

m^r^ Speaker	odiorn	Davis
Peirce	Read	Gilman
Eastman	Ware	Gilman

* 1–238 * 1719 2 May Wheras there an order of this house in Decem^r^ last Directing m^r^ Speak^r^ Packer & Josh : Peirce to put m^r^ Rich^d^ Gerrish^s^ Bond in suit w^ch^ was done accordingly & Continued til June Court nex^t^

itt is now order^d^ y^t^ y^e^ s^d^ Suit be Suspend^d^ provided m^r^ Gerrish give Security to Satisfaction of this house —

Vot^d^ y^t^ y^e^ L^tt^ Gov^r^ be present^d^ w^th^ y^e^ Excise of y^e^ Province y^e^ year Ensuing —

Vot^d^ y^t^ Maj^r^ Jn° Gillmans Loghouse by y^e^ Bridge be a publick licenc^d^ house for Entertainment paying as other publick houses in y^e^ Province

Vot^d^ That y^e^ Severall acc^tts^ hereafter Insert^d^ be paid out of y^e^ Treasury & y^t^ orders may be given for y^e^ Same Viz^tt^

to y^e^ L^tt^ Gov^r^ as ℔ acc^tt^	7: 15: 9
to Rob^t^ Coats D° —	1–10–0
to Sam^ll^ Jordan D° —	4– 0–0

to M^{r} Treasu^{rs} Gen^{ll} acc^{tt}	2639–11–3
to m^{r} Cl^{r} Waldron D^{o} —	60– 0–0
to m^{r} Speak^{r} Packer D^{o} —	11– 0–0
to m^{r} Sherife Gambling D^{o} —	6– 0–0

The house adjourn^{d} for 2 hours —

The house met according to adjournm^{t} al present as in y^{e} Morning —

Vot^{d} y^{t} ye Money allow^{d} in y^{e} Treasurers acc^{tts} paid for y^{e} Repairs of y^{e} Prison Viz^{tt} one hundred & forty pounds be paid to y^{e} Present Comitte for Carrying on y^{e} Repairing or building s^{d} prison

* The following Debenters were taken out to this Day being 2 May 1719 * 1–239

Maj^{r} Gillman — 28 days	Maj^{r} Ware — 25 days
Cap^{t} Jn^{o} Gillman 28 d^{o}	Cap^{t} Odiorn — 23 D^{o}
Coll Davis — 20 D^{o}	Cap^{t} Reed — 25 D^{o}
Cap^{t} Tebett — 20 D^{o}	

Vot^{d} that 90£ broken bills in y^{e} Treasury be burnt & y^{t} y^{e} Speak^{r} & Clark of this house be of a Comitte to se s^{d} money burnt — w^{ch} was accordingly done in y^{e} house in view of y^{e} Assembly

The house sent for up into Council Chamber & Prorogued to y^{e} 21 July Next : 2 May 1719 by his Excellency Sam^{ll} Shute

1719 July 21 : The house mett according to Prorogation Present m^{r} Speak^{r} Packer : Denett Peirce Odiorn & Reed m^{r} Dam : —

& by his Excellencyes order are farther Prorogu^{d} to 18 augst next being wensday

1719 : 18 : aug : the house mett according to Prorogation : Present m^{r} Speak^{r} Packer Joth^{m} Odiorn Esq^{r} Josh. Peirce Cap^{t} Gilman — Cap^{t} Reed Eph Denett Davis Dam Tebett & by His Hon^{r} y^{e} L^{tt} Gov^{r} farther Prorogu^{d} to y^{e} 22 of Sep^{t} next following —

1719 : 22 Sep y^{e} house mett according to prorog^{at} Present

m^{r} Speak^{r} Packer	Denett	Cap^{t} Gilman
Peirce	Read	

the house adjourn^{d} til : tomorrow 3 a Clock

23 the house met according to adjournm^{t} al present as yesterday

The house adjorn^{d} til tomorrow 10 a Clock

* 24 Sep^{t} The house mett according to adjournment Present * 1–240

m^r Speaker Packer	Peirce	Cap^t Gilman
Denett	Coll : Davis	Dam
	Reed	

The house adjourn^d for two hours —

The house met according to adjournm^t al Present as in y^e Morning & m^r Wiggin & m^r Eastman

In Council

The Committe appoint^d for Setling y^e Town Bounds w^th^in this Province &ct : Made their Returne & gave in a Coppy of y^e Journal to his Hon^r y^e L^tt Gov^r w^ch Return & Journal both Dat^d 24 Oct 1718 : was this^d^ day by him laid before this Board where it was accept^d & Vot^d that y^e Return be herby Confirm^d & y^t y^e Bounds therein mentiond shal be y^e Establish^d lines & Boundaries for al y^e Towns therin mention^d & y^t it be Sent down for Concurrence

Dec^r : 30 : 1718 — Rich^d Waldron Cl^r Con

Red 3 times in y^e house of Represent^s & voted a Concurrence

26 Sep : 1719 J Peirce Cl^r Asssem^y —

His Excellency^s^ Speach

Gen^t : since our last meeting I have Receiv^d Strict orders from His Majes^ty^ forbidding any law to be past for y^e future y^t may affect y^e Trade or Navigation of y^e Ships from England w^ch wil prevent y^e Receiving of y^e Powd^r money for y^e future from such vessels : this order is to be Record^d in y^e Councill books : & also in y^e house of Representatives : according to y^e Instructions I have Receiv^d y^t so they may be Strictly Comply^d w^th

* 1–241 * All I have farther to observe to you is y^t The Colledge at Cambridge is intirely Erect^d at y^e Charge of y^e Masachusets & y^t since it hath been Very instrumental toward^s^ y^e Incouragm^t of Religion & Learning : & y^t y^e youth of this Province Receive great advantage in their Education from itt y^t it wil tend greatly to y^e Reputation of this Province to Show y^r grateful acknoledgm^t of the benefitt your Children Receive thereby by Making some hansome Present for y^e augmentation of the Library —

Gen^t : Tis your Season of Harvest shal therfore be glad to permit you to goe home as Soon as possible —

The house adjourn^d by y^e Speak^r till tomorrow ten a Clock —

25 Sep : The house mett according to adjournm^tt^ Present

m^r Speak^r Packer	Davis	Dam
Peirce	Wiggin	Odiorn
Denett	Cap^t Gilman	Reed —
	Eastman	

The house adjourn^d for two hours —

The house met according to adjournm^{tt} al present as in y^{e} morning —

The house adjourn^{d} til tomorrow 8 a Clock

26 : Sep : The house met according to adjournm^{t} Present

m^{r} Speak^{r} Packer —	Davis	Dam
Denett	Wiggin	Odiorn
Peirce	Eastman	Reed
Tebett	Cap^{t} Gillman	

* M^{r} Joth^{m} Odiorn Esq^{r} & Cap^{t} Hugh Reed Enters their De- * 1–242
cent against y^{e} Return of the Comitte for Setling y^{e} lines & Boundaries between y^{e} Several Towns wthin this Province viz^{tt} y^{e} lines between Portsm^{o} & Newcastle —

Memoran^{d} — m^{r} Speaker Packe m^{r} Eph Denett & Josh Peirce took out their Debenters to y^{s} day for 25 days being al y^{t} was then Due —

26 Sep^{t} 1719 Josh Peirce Cl^{r} Assem^{y}

Wheras Coll : Packer y^{e} former Speaker is this day Remov^{d} to y^{e} Council Board by his Excelency^{s} order — & a new Speaker Chose in his Room which was by a General vote cast upon Josh : Peirce who was Present^{d} to his Excellency & accept^{d} —

The house Return^{d} from Council Chamber & Chose m^{r} Eph Denet Cl^{r} for y^{s} house & Swore him to his office —

The house Sent for up into Council Chamber & Prorogu^{d} y^{m} to the first wensday in Decem^{r} next by his Excellency Sam^{ll} Shute

26 Sep^{t} 1719

2th Decem : 1719 : the house Mett according to Prorogation Present

m^{r} Speker	Coll : Ware	mr : Dam
Eph : Dennet	Maj^{r} Gillman	Cap : Odiorn
Coll : Davis	Cap : Gillman	Cap Reed
Cap : Tebet	Cap : Wiggins	

Whereas there is an order from y^{e} Bord of Tread for Runing y^{e} Devideing line Between this Province and y^{e} Province of Masetusets : Voted that mr Spaker Peirce : be : Chosen a comm^{tte} an out of this house to joyne weith y^{e} Comtte cho^{n} last may Sesons for that end

* Proroged to y^{e} seccond thursday in Feb^{y} : next by his Hon^{r} * 1–243
y^{e} L^{tt} Gov^{r} : 2th : Decem : 1719 —

feb 11th : 1719/20 the house meet at time & place Present

m^{r} Speaker	Cap : Odiorn	Eph : Dennet
Coll : Davis	Cap : Reed	mr : Eastman
Majr : Gillman	mr : Dam	

and Proroged to y^{e} Last wensday in March

30 march: 1720: the house met according to Prorogation Present

mr Speaker	majr: Gillman	mr: Dam
Eph: Dennet	Cap: Gillman	Cap Tebett
	Cap Reed	

and farther Proroged by his Honr the Litt: Govr to ye: 20: day of April next

Memorandom: mr John Dam took out his Debenter for his serves in Genll Assembly from ye 25: of march 1719: to ye: 30: march 1720 being all that wass then Due which wass 24: days —

April 20th 1720 — the house met according to Prorogation Present

mr: Speaker Eph: Dennet
Cap: Jno: Gillman & Majr Gillman

and Proroged to: ye: 26: day of April

Memorand Cap: Hue Reed took out his Debenter for his serves in Genll Assembly from ye 2 Day of may 1719 to ye: 30: day of march: 1720 — 17: days being all yt was then Due

* 1–244 * 1720 April 26 ap: The house mett according to Ad journt or Prorogation Present

ye Speaker	Capt Odiorn	Mr Dam
Coll: Davis	Eph Dennett	Capt Gillman
Coll: Ware	Capt Wiggin	Capt Tebett
Maj: Gillman	Mr Eastman	

Votd yt ye Speaker Coll: Davis & Capt Odiorn be a Comitte from this house to joyne Such as shal be Chosen by ye upper house for this year to auditt ye Publick accttts of ye Province & that they make their returne to this house att this sessions

The house adjournd till Seven a Clock tomorrow Morning —

27 The house mett according to adjournmtt al Present as yesterday & Capt Sherbun

Votd yt Capt Henry Sherbun be Clerk of ye house of Representatives —

Adjoyrned for two Hours —

House Mett according to adjourment All present as In ye Morning —

Vottd That Mr Denet & Hen Sherburne be a Comyty from this house to Renew Corll Vaghns Corll Walttons & Capt Wibirds Esqr Bonds being part of So much money Lent them In 1716 to Joyne Shuch as Shall be Chosen out of ye uper house & In case of any

Refusal that y^e^ Comite Shal have ful power to prosecute them Att y^e^ Comon Law

* His Excellencey Speach * 1–245

Gen^tl^ Their being no Ships arived from greatt Britain This Spring that has brought any Letters I have Nothing to a quaint you With from thence So That I hope you will quickley finish y^e^ Accounts Of y^e^ Province & make this Assir^s^ Very Short But if after I Returne to boston I Shall Receve any Letters that brings any affares of Moment Relateing to this province I Will not faile to meet you again before y^e^ fale Sessions —

And The house Adjourned till Eight a Clock To Morow Morning —

y^e^ 28 And The house Mett according to Adjournment Being all present as yesterday —

And this House is Adjourned for two hours

And this House Mett According to Adjournment All present as In y^e^ Morning —

Vot^d^ That y^e^ Excise be Continued for y^e^ year Ensuing & that a Comity be Chosen to take Care of y^e^ Same

Vot^d^ That Cap^tt^ odiorne Esq^r^ & Maj : Jo : Gilman Be A Comitte from this house to Joyne Shuch as May be Chosen out of y^e^ upper — house To farme y^e^ Excise for this present year —

Hen Sherburne Clarke

And the house is Adjourned till Eight A Clock to Morow morning

y^e^ 29 And y^e^ house Mett according to Adjournment All being present

Vott^d^ That forty Six pounds two Shillings 9^d^ Broken Bills of Creditt be burnt In y^e^ treasurey Which Was accordly Don In vew of y^e^ Ass^ll^

* Aprill y^e^ 29 1720 In Answer to his Excellcey Speach * 1–246

Vott^d^ & Sent up

Maye itt pleas Your Excellencey

We Returne Your Excellencey thank for Your great Care of us In Coming In to Your Goverment hear We Should have bin Glad Your Excel^l^ had good News from great Britain to have a quainted us We Shall Make all posibel Dispatch In y^e^ Acc^tt^ of Province Haveing Chosen a Comitty for to Adjust y^e^ Same If your Exc^ll^ Should have

any good News out of great Britain of moment that your Excll Will be pleased to Comunicate it to us — Hen Sherburne Clk Assl

And ye House is Adjourned for two hours —

And ye House Mett According to Adjourment As In ye Morning —

Whear as Mr Hugh Reed is one of ye Representitives for ye toune of New Castel is gon with his family to Canser or Newfound without Leave from this house & not Knowing When he Will Returne ye Selecktmen of Sd town having adrest the Assll as it is their privilidg to have two Members In this house & that orders may go out to fill up that vacancey ordered that ye Selecktmen of ye town of Newcastle Be notified for to Chuse one Representitive against ye Next Setting of this house of Assll

Vottd That Jo Hinks Esqrs Accts on file is Suspended till Next Sessions & if not paid by ye treasurer that their be an order for ye payment of itt — the Vote of ye Counsel Conncured With Relateing to Sall Hinks Pettion Relateing to ye Lott of Land Bought of Edward Bolleys Widow

* 1–247 * 1720 ye 29 The Votte of ye Counsel Relateing to a Commity being Chose for to Examing What Will be proper for ye Ile of Sholes to be charged in ye province tax

In Counsel

That Richd Wibird & Thos Packer Esqrs be of a Comitty from this board to Joyne wth Shuch as Shall be Chosen by ye House of Representitives to Examing what will be proper for the Ile of Sholes to be Charged in ye province tax & Report Itt to ye Geniral Assell att their Next Sessions —

Red three times and Concurd With all

Vottd That Coll Pearse Speaker of this house & Leftt Deneck Is Chosen to Joyne ye Comitty as above Relating to tax ye Ile of Sholes

In Counsel Vottd

That Samll Penhallow & Marke Hunkings Esqrs be of a Comity from this board to Joyne With Such as Shall be Chosen by ye house of Representitives to Examing What Will Be proper for ye town of Kingstown to be Charged In ye pros tax in proportion of ye other towns and Reporte it to ye Genll Assemll at ye Next Sessions

Red three times and Concured With all —

Vottd Thatt Maj Jo Gillman & Hen Sherburne be a Comity to Joyn ye Gent of ye upper house for ye End as Above Said

Vott[d] That his Excellency be presented With one Hundred pounds And to be paid out of y[e] treasury —

And the House is Adjourned till to Morow Mn[o] Seven a Clock

Ap[r] y[e] 30 And y[e] houes Mett According to adjournmentt All present as yesterday —

Vott[d] That Nicolas Mead be Confined In Close Prison & then Well Secured Until He get Som persons to be bound With good Securyty to pay forty pounds a year until y[e] Whol Debt be paid to y[e] S[d] province —

* April y[e] : 30 : 1720 Whear as there is a Commity Chosen * 1-248 of both Houses to Proportion Kingstown & Gosport Allies Ile of Sholes What thay Shall pay to y[e] province tax and that y[e] Same Comity Shall Se What alterrations are made in any towne or parrish by y[e] Reasons of y[e] New lines now Settled that Whear any persons are taken of from any town & aded to any other town that so much as they paid in S[d] prov[s] Rate Shall be taken of from that towns proportion & aded to town Whear they now belong & that y[e] Assem[ll] Shall proti that Money that is to be Raised In Kingstown & Gosport Allies Ile of Sholes on y[e] Several towns In s[d] province

Vott[d] That Agency be Improwerd to Sollicitt y[e] Province Interest Att hom Relateing to y[e] Lines between this & Masathusets Ex[lt] & that a Comitty be Chosen of both houses to Draw up Instructtions for s[d] Agentt And that one hundred pounds Be given out of y[e] treasury for his Encouragement —

£100

In Counsell

Vott[d] That Henry Newman Esq[r] be y[e] Agent for this province & that Sa[ll] Penhallow Mark Hunking & George Jeffrey Esq[r] be of a Comety from this Board to Joyn With Such as may be Chosen by y[e] House of Representitives to Draw up Instructtions for y[e] Henry Newman Esq[r] Accordingly

Ric[d] Waldron Cl of y[e] Coun

Red & Concured With all

Vott[d] Thatt M[r] Speaker & Maj : J[o] Gillman & Hen Sherburne be of y[e] Comity from this House to Joyne y[e] Comety of y[e] Upper house

Vott[d] That y[e] L[tt] Gov[r] be presentted With y[e] Excise y[e] year Ensuing —

And y[e] House Sent for up And prorouged till y[e] 24 daye of May Next Ensuing

Hen Sherburne Cl[k]

* 1–249 * Maye y^e^ : 24 : 1720 And y^e^ House Mett According to y^e^ Prorogatation & Adjour^tt^ Present

M^r^ Speaker	Hen Sherburne	Cap^tt^ odihorn Esq^r^
Lef^tt^ Denick	Daniel Greenough	Sq^r^ Eastman
M^r^ J° Dam	Cor^ll^ Wier	Cap^tt^ Wigens
Cap^tt^ Tibetts	Maj : J° Gilman	Cap^tt^ J° : Gilman

Vott^d^ That y^e^ Grand Comitty for y^e^ Manigment for y^e^ fifteen thousand pounds be Desired to Lay y^e^ Accounts Before y^e^ Generall Ass^ll^ of y^e^ Disposing of itt and of the yearly payments paid In —

In y^e^ House of Representitives —

Upon Reading y^e^ Pettion of J° & Jo^s^ Meade ordered that Nicholas Meade y^e^ father of J° & Jo^s^ Meade y^e^ Pettioner be Discharged out of y^e^ prison on Condition that the Said J° & Jo^s^ Meade give good Securyty to y^e^ Sattisfacktion of y^e^ Generall Ass^ll^ to pay yearly and every Year y^e^ Sum of thirteen pounds Six Shillings & 8d Currant Money for y^e^ Use of y^e^ Province for fiften years Ensuing or till they have paid or Discharged y^e^ Sum of two hundred Pounds to gether With all Prison Charges that has bin on Said Nicholas Mead y^e^ father of y^e^ Pettioners —

Vott^d^ That Maj : J° Gillman & Cap^tt^ Andrew Wigens be a Comitty from this house to Joyne With two of y^e^ Counsel to form an Ackt for Strengthing of a Vote Past In y^e^ General Ass^ll^ Octo^b^ y^e^ 8 : 1717 Relateing to y^e^ two parrishes In Portchmouth

George Jeffery & Rich^d^ Wibird Esq^r^ was Joyned from y^e^ uper house to form y^e^ Ackt Acordingly Which Was Don & Concured With all

And y^e^ House is Adjourned till to Morow Morning Eight A Clock —

Maye y^e^ 25 And y^e^ House Mett According to Adjournment All present as yesterdaye —

* 1–250 * May y^e^ 25^th^ And the house mett according to adjournment all present as Yesterdaye —

May y^e^ 25 A Return of the Comitty of both houses which was Choase to tax Gosport Allies ; Isle of Shoales in the province tax which is Twenty pounds in every Thousand pounds Raised in the province and so in proportion in greater or lesser sum raised in the Said province —

Read in the house of Representatives And voatt^d^ a Concurrance —

May y^e^ 25 A Returne of the Comitty of both houses which was Choase to tax Kingstoune in the province tax they having made y^e^ best Enquirye they could of the State of the Towne and are of

opinnion thatt they paye a thirtyth parte of the Province tax which is £33 : 06 : 08 : in a thousand pounds & so in proportion of greater or lesser Sum for two years next Insuing —

And the house is Adjourned for two houres

And the house Mett according to Ajourment all present as a morning —

Voatt^{d} Thatt Kingstoune be now brought into the province tax for fivety pound^{s} ; in a thousand pounds province tax or in proportion be itt more or Less ; and thatt the Treasurer issues out his Warrant for raising S^{d} proportion on Kingstoune to be paid into the treasurey all the season of the year as the Law Directs for the other towns of this province and thatt the treasurer account with the Generall Ass^{ll} for y^{e} Same & that What Ever former Vote has bin past Relateing to Kingstoun paing of any tax to y^{e} province to be Void & Null

Sq^{r} Eastman Desents against y^{e} vote —

And this house is Adjourned till to morrow morning Eight a Clock

Maye y^{e} 26 And y^{e} House Mett According to Adjourn^{t} All Present As Yester daye

Voatt^{d} Thatt a Committy be Chosen of y^{e} Upperhouse to joyne with the Committy of this house to burne whatt Banck money now laye in the hands of the Gener^{ll} Comitty^{s} hands and that Maijor John Gillman and Mr Dennick and M^{r} Greenough is a Committy from this House —

* Thatt Reading of a pettition from the Town of Kingstoune relating to a high way between Kingstoune and Hamptoune — * 1–251

Voatt^{d} Thatt the Case between Each towne be brought on again to the Next Qu^{tr} Sestions for a Second hearing between towne and towne and thatt each towne be Notifyed accordingly —

Voatt^{d} Thatt M^{r} Nicholas Mead be Sett outt of prisson having given in Security by his Sons to Sattisfaction —

Voatt^{d} to be burnt of the Bank money and Burnt Accordingly Viz^{t}

Shill^{g} Bill^{s}	q^{t}	£ S D
30 :	147 :	220,, 10,, 00
70	74 :	259,, 00,, 00
80	75 :	300,, 00,, 00
15	146 :	109,, 10,, 00
4/6 :	95 :	21,, 07,, 06
penney 15	49 :	3,, 01,, 03

Shillg Bills	qt	£ S D
12 :	37 :	1,, 17,, 00
18 :	42 :	3,, 03,, 00
		£918,, 08,, 09

And this house is adjourned for two houres —

And the house Mett according to Adjourment ; and all present as in ye morning —

And the house is adjourned till to morrow morning Seven a Clock —

May ye 27 And the house mett according to Adjourment all present as Yesterdaye —

Voattd In Counsell

That his Honourable the Leftenant : Governour be desired to go as far as Winter harbour to meatt the Deligates of ye Indians thatt shall be appointed to Negotiatiate the Affaires aboutt ye Indians for ye Supposed murder of an Indian man Hannock one of there tribe and thatt one or two Members of ye board & as Many of ye house be desired to Accompany the Said Leften^{t} Governour on the Sd affair and thatt the Charges of the Negotiation be defraied outt of the Treasury —

Read & Concurred with all ; and the house is Adjoured for two hours —

* 1–253 * 1720 May ye 27 And the house mett according to Adjornment and all present as in the Morning butt Capt Tebbetts

And the House is Adjourned till to morrow morning Eight a Clock —

May ye 28 And the Hous Mett According to Adjourment Present

Mr Speaker Pears	Mr Denick	Captt Grenofe
Maj : Jo Gilman	Captt odiorne	Hen Sherburne
Captt Gillman	Mr Dame	

Voattd Thatt the Town of Gosper pay their proportion of there province tax into the province Treasurer and itt is ordered thatt the Treasurer pay twelve pounds of thatt proportion to the town of Newcastle Anually untill there be a new proportion throughout the province

May ye 28 1720 Read in Counsill and Concurrd withall

Voattd Thatt all accounts brought in relating to this province shall be sworne to be a just account for the future —

Read in Counsill & Concurr[d] withall —

We the Subscribers being a Comitty appoint[d] by the Generall Ass[ll] to orditt the publick acco[t] of the province New hampshire have Strictly examined the Same and do find thatt there is justly due from the treasurye the severall sums heareafter Mentioned as they are sett agai[st] persons Names Viz[t]

N° 1 —	Co[ll] Packers Acco[t] for 1718 & 1719 —	£07,, 04,, 05
2 —	Will[m] Fellows Acco[tt] for 1719 —	02,, 15,, 03
3 —	To[s] Smalle D° for 1719 —	01,, 02,, 04
4 —	Left[t] Gou[vr] Wentworth[s] D° —	14,, 15,, 00
5 —	James Jefferry[s] D° —	17,, 19,, 00
6 :	John Mardens D° —	07,, 12,, 00
7 —	James Jefferry : for 3 Drafts —	04,, 10,, 00
8 —	prisons account —	433,, 09,, 05
9 —	Cleark of y[e] Counsill	60,, 00,, 00
10 —	Cleark of y[e] Counsill remain[g] due 1718	10,, 00,, 00
		£ 559,, 07,, 05

* Ballance due from y[e] Treasurer as by his generall Acco[t] datt[d] May y[e] 24[th] 1720 £ 197,, 16,, 01 * 1–253

Read in Counsill & Concurr[d] withall

The Treasurers account Currant of the State of the province for 1719 is Viz[t]

The whole debt of y[e] province is	£1140,, 00,, 01
The Creditt of y[e] province is	£ 1337,, 17,, 00
Ball[nce] due from y[e] treasur[r] to y[e] province is	197,, 16,, 01

Voatt[d] That the Report of the Committy of orditt laid before the house this Sessions be accepted and thatt the Governour be desired to Issue out his warrants to the Treasurer for y[e] payments of y[e] Severall Sums therein Mentioned in Cource and that Jn° Hincks Acco[t] be allow[d] him as y[e] Comitty of orditt report them if nott proved by y[e] treasurer to be alledge paid & except five pound[s] nine shillings for y[e] running of y[e] new parrish of portsmouth for which we desire there may be orders given to y[e] Select men of portsmouth for the payments of y[e] Same —

The following Debent[rs] was taken out this daye from y[e] 2[d] of Maye 1719 till y[e] 28[th] of May 1720 — Viz[t]

Majo[r] John Gillman — 27 Days	Cap[t] Jothan Odiorne 27 Days
Cap[t] John Gillman — 34 D°	Sam[ll] Eastman Esq[ure] 13 D°
Cap[t] Sam[ll] Tibbetts — 25 D°	Cap[t] Andrew Wiggens 33 D°
Cor[ll] Peter Wier — 16 D°	

And this house is proroged & Adjourned till y^e^ 23^d^ of August next followinge — Tusedaye —

* 1–255 * Portsmo^th^ N : Hampsh^re^ July y^e^ 22^d^

M^r^ Henry Newman

S^r^ : The Affaires of this Goverment frequently Requiring the Solicatations of some Persons att Court Our Generall Assembly in May Last made Choice of you to be there Agent for thatt end and as an Earnest of there respects & for your Encouragement did then vote you one hundred pounds this Money which presume his Excellency Governour Shute has heretofore advised you of as alsoe the Lu^t^ Governour —

S^r^ here has been a Long Dispute between this & the Massachusets Goverment about the Dividing Line and severall Commistioners have Sundry times been appointed by both to settle itt : butt hitherto Could never be Affected by them which proves Injourous to many persons thatt Inhabitt on or Near y^e^ Line who have been obliged to pay taxes to boath Goverments wherefore thatt itt may be a finally end and these greviences Redressed Since the Goverment^s^ here Cante doe itt themselves thatt matter is now to be Submitted to his Majestey in Councill or Lords Commissitoners of trade and Plantations and in order thereto you have herewith a Commisstion from this Goverment To Impower you our Agent and accordingly you are desired to Lay y^e^ affair before them as may be proper so soon as Conveniently may be and thatt there may be a Right Apprehention of y^e^ Matter; you have herewith a Mapp or Draught which you may Depend is very Exact & Correct

* 1–256 * The extent of this Prov^e^ is all the Land between y^e^ Massachusetts And y^e^ prov^e^ of Main our South bounds is three Mile^s^ North from y^e^ mouth of Merrimack River att the Atlantick Ocian or Western Sea and from thence a West Line into the Main so far as the Massachusetts Extends Our North Line or Bound is piscataqua River untill itt Come to y^e^ head of Nichewanack river and from thence a very few Degrees Westw^d^ of y^e^ North up into y^e^ Main Land as on y^e^ Southern line which bounds are prick^t^ out on y^e^ Mapp and we Conceive agreable to y^e^ Royall Charter granted to Massachusetts but y^e^ Commissioners of thatt Goverment have always Insisted on other Lines as are also Marked out on y^e^ Draught which if granted to them would Render this prov^ce^ a very Little one indeed —

Whereas his Majesty has Lately Prohibited any Imposition of Impost or powder Money on the Marchants Ships Trading here belonging to greatt Brittain which formerly Supplyed the Usuall Ex-

pence of our Castle and the Stock being now very Low you are Desired to Lay thatt Matter before y^e^ proper board in order to obtain y^e^ Royall bounty therein and you are to be Vigelent in Dilegently Enquiring into all Comp^lnt^ thatt May be made ag^st^ this Present Goverment and in pursuing every thing thatt may be promoted; for y^e^ Generall Bennifitt of this plantation Espetially thatt the Lumber from hence may be imported into Greatt Brittain free of Duty
* And the Bounty Continued on Navall Stores thatt the forg- *1–257
ing of Iron here May nott be obstructed butt Encourg^d^ and thatt some better Encouragm^t^ may be granted: for raising hemp and Flax which if pursued this Country might in a Little time furnish the Crown with a Considerable Supply; Thatt y^e^ Surveyor Gener^ll^ of y^e^ Woods may be directed to preserve y^e^ Mast trees after a better manner and nott Suffered to obstruct: his Majesties Subjects from getting Such Timber from thence as is not nor never will be fitt for the Service of y^e^ Crown of which there are multitudes of trees thatt are rotting on y^e^ Ground thatt might make good Lumber fitt for y^e^ London Westindia Marcketts by y^e^ Latch of which a Considerable Revennue arriseth to y^e^ Crown We Desire you will accquaint us from time to time of your proceedings in y^e^ Premisses and Salute you with greatt Respects as a Comitte of this Goverment and are S^r^

Your very Humble Servants —

* 23: of Aug^st^ 1720 Tuesday y^e^ 23 of August 1720 this *1–259
house Mett According to Adjour^nt^ & Prorogation Presentt

M^r^ Speaker Pears	M^r^ Dam	Judge: Odiorne
Cap^tt^ Wigens	Cap^tt^ Greno	Maj Gilman
Cap^tt^ Gilman	Cor^ll^ Davis	Hen Sherburne Cl^k^
M^r^ Denick	Maj. Wier	

And this house is Adjourned till to Morow morning Eight a Clock

y^e^ 24 And this house Mett According to Adjourm^tt^ All present as yesterday & Cap^tt^ Tibetts

And this house is Adjourned for two Hours —

And this house Mett According to Adjournment All present as In y^e^ Morning

And this house is Adjourned till To Morow morning Eight a Clock —

y^e^ 25 And this house Mett According to Adjournment All Present as yesterday Butt

Vott^d^ That five Hundred pounds of y^e^ fiftene Hundred Pounds to be Raised this present year by an Ackt Made In y^e^ year 1716 be

Removed till y^e^ Next year Ensuing 1721 And that y^e^ thousand pound Raised Do Ly In y^e^ treasury till orders from this House. Sent up and not Ccured With all —

And this House Is Adjourned till to Moromorning Nine A Clock —

* 1–260 * 1720 Aug^st^ y^e^ 26 : And This House Mett According to Adjournment Present

M^r^ Speaker Pears	M^r^ Dam	Judg odiorn
Cap^tt^ Gilman	M^r^ Denick	Maj : Gilman
Cap^tt^ Greno	Cor^ll^ Davis	Hen Shurburne Cl^k^ Ass
	Cor^ll^ Wier	

y^e^ Pettion of Will Stills Will Blackston Howard Henderson & Comp^tt^ Reding of y^e^ Pettion We have Vott^d^ that they May Have A Hearing before y^e^ Governer & Counsell provided they pay all former Charges & that a Comitty May be Chosen out of Both Houses to form an Ackt accordingly —

And this house is Adjourned for two hours

And this house Mett According to Adjournment Present as In y^e^ Morning —

Vott^d^ That y^e^ one hafe of y^e^ fifteen hundred to be Raised this present year by Virtue of an Ackt Made In 1716 be paid Dec^r^ Next and y^e^ other hafe In Aprill Ensuing and that y^e^ treasurer Ishu out his Warrants accordingly —

In Counsel Red & Concured With all —

Vott^d^ Whear as our House haveing a pettion from M^r^ Brown & Company for a town Ship We think Itt to Infrindg on our towns Especiall on Chesure Whear We have a pettion on file for this two year Have Sent up y^e^ petion & a Memorial to y^e^ Upper House Which Lays on file In y^e^ Clarks offis —

Vott^d^ That Cor^ll^ Wier & Cap^tt^ Greno be a Committy from this house to Joyne With y^e^ upper house to form A Bill to Enabel Wi^ll^ Stiles & Company of Cochecha point to Bring forward their Acktion of Appeal before y^e^ Govener & Counsel —

And this Hous is Adjourned til to Morrow morning Eight a Clock —

* 1–261 * August y^e^ 27 1720 And this House Mett According to Adjournment all Present as yesterday —

Vott^d^ That His Excelency be presented With one Hundred pounds to be paid out of y^e^ treasury When Brought In to y^e^ trea^s^ —

Rec^d^ Into this House Eleven Bonds from Cor^ll^ Packer Viz^tt^

Cor[ll] J° Wentworths for	£200 —
Cor[ll] Rich[d] Waldrons for —	200 —
M[r] Sa[ll] Penhallows for —	200 —
Cor[ll] Georg Vaghn for —	200 —
M[r] George Jeffers for —	200 —
Cap[tt] Rich[d] Gerrish for —	200 —
M[r] Theodore Adkisons for —	200 —
M[r] Nathanel Rogers for —	150 —
Cap[tt] Richard Wibirds for —	50 —
M[r] Gamblings — for —	100 —
Cor[ll] Luthrick Waltron for	30 —
	£1730 : 00 : —

The above Bonds Is Dellivered Into Cap[tt] Joshua Pearses Speaker of this House Hands to take care of for y[e] Use of this province —

And this House Is Adjourned for two hours

And this House Mett According to Adjournment

A Message from his Excellencey By M[r] Clark Waldron that this House do now Attend Him In y[e] Counsel Chamber M[r] Speaker and This House Went up Accordingly And then M[r] Clark Waldron Declared that it is his Excellenceys Pleasure that this General Court be prorogued to tusday y[e] 27 of Sep[br] Next att 10 a Clock In y[e] Morning And itt Was accordingly Prorogued

Hen Sherburne Clk. Ass[ll]

* Tusday y[e] 27 of Sep[br] this House Mett According to Pro- * 1–262
rogation Present

Cap[tt] Denick	Cap[tt] Greno	Maj. Gillman
Cap[tt] Gillman	Cor[ll] Davis	Judg odiorn
M[r] Dam	Cor[ll] Wier	Hen Sherburne Cle[k] Ass[ll]

27 : 1720 And this Hous is Prorogued by His Ho[r] Leftenant Govener till tusday y[e] 8 day of Nov[r] Next 1720 —

Cor[ll] Petter Wier toock out his Debenter this Daye being In all 10 dayes —

Cor[ll] Davis toock out his Debenter this Daye being In all 31 dayes for their Servis In y[e] Generall Ass[ll]

Hen Sherburne Cla[k] Ass

Tusday y[e] 8 day of Nov[r] 1720 And this House Mett According to Prorogation Present

M[r] Speaker Pears	Cor[ll] Davis	M[r] Dame
Maj. Gilman	Cap[tt] Gillman	Hen Sherburne Clark Ass[ll]
	Cor[ll] Wier	

And this House is Prorogued By order of the Left^tt^ Govener & Counsell till tusdaye y^e^ 6 of Dec^r^ Nextt 1720 —

And this House Mett According to Prorogation Present

M^r^ Speaker Pears	Cap^tt^ Wigens	Major Gillman
Cap^tt^ odiorn	Sq^r^ Eastman	Hen Sherburne
	M^r^ Dam	

* 1–263 * And this House Is Prorogued By order of y^e^ Left^tt^ Govener And Counsel till y^e^ 24 of Janu^r^ Nextt 1720/1

M^r^ Speaker Pears took out his Debentur till y^e^ 6 of Dec^br^ 1720 being thirty three dayes Which Is all that is Due to this time for y^e^ town of Portch^m^

Hen Sherburne tooke out his Debentur till y^e^ 6 of Dec^r^ being In all twenty Six Dayes for Portch^m^ to D^o^ 26 Dayes as Clarke to y^e^ Generall Ass^ll^

Decem^br^ y^e^ 27 1720 M^r^ Ephriam Denick took out His Debenter from y^e^ 26 day of Sep^r^ 1719 till this Daye being thirty one dayes being all that is Due

1720/1 24 Jan^r^ The house mett according to Prorogation Present

Speak^r^ Peirce Joth : Odiorn Esq^r^ m^r^ Greenough

The house Prorogu^d^ By his Hon^r^ L^tt^ Gov^r^ Wentworths order to y^e^ 21 Mar : next ℔ m^r^ Rich^d^ Waldron Cl^r^ Con^ll^

21 Mar : 1720/1 The house mett according to Prorogation Present

Speak^r^ Pierce m^r^ Greenough
Joth : Odiorn Esq^r^ m^r^ Dam

the house Prorogu^d^ By order of L^tt^ Gov^r^ Wentworth to aprill 18^th^ next ensuing

℔ Sam^ll^ Penhallow & : Geo : Jaffrye } Esq^rs^

18 of April 1721 the house met according to progation Present

m^r^ Speker Pierce	Coll : Wiear	John Dam
majr : Gellman	Cap : Odiorn	m^r^ Eastman
Cap : Gillman	Cap : Greenough	Eph : Dennet

* 1–264 * 18 ap^r^ 1721 In y^e^ house of Representatives

Vot^d^ y^t^ Cap^t^ Eph : Denett be Clark of this house til farther order —

Vot^d^ that Coll : wier major Gillman and Cap Odiorn be a Comette from this house to joyn with such as shall be Chosen in y^e^ uper

house to auditt the Publick acc^{tt} of this Province and y^{t} they make Return there of to this house

Chosen in y^{e} uper house Coll: Hunkins George Jafrey Rich: Wibird Esqrs for y^{e} end above s^{d}

the house is adjourn^{d} till tomorrow Eight of the Clock

April the 19 the house Mett according to Adjournment being all Presant as yesterday & Cap Wiggan & Con^{ll} Davis

* The house being Informed by a Letter or Memorial from M^{r} Record^{r} PenHallow y^{t} there are Severall files in his office Promiscuously Bound up y^{t} Belong to other offices and also Many Papers of Publick and Personall concern in y^{e} Hands of Maddam Story & Some Entrys of Deeds &c: in y^{e} Regester^{s} office upon which we are of Opinion y^{t} it is Necessasary for y^{e} Gen^{r} Assembly to Appoint a Committee to Examine into those Affairs and Dispose of all Papers into their proper Office * 1–265

Vot^{d} That m^{r} Speaker Peirce & Jotham Odiorne Esq^{r} be of y^{e} Committee from this house to Joyn such as May be Chosen of y^{e} Upper house for y^{e} Ends abovesaid

19th Ap: 1721 Read three Times & Sent up for Concurance

Eph: Dennet Clark

Vot^{d} y^{t} Coll: Daves and Cap: Tepets and Cap: Wiggins Be forthweith sent for to give there attandance in this house and they are accordingly notified Eph: Dennet Clark

the house is adjourn^{d} for an houre an half

the house met according to adjournment all Presant as in the Morning —

Whereas y^{e} Act for y^{e} Incouragement of Sowing and Curing of Hemp being Near Expired

Voted That y^{e} Said Actt be Revived and Continued Three years after y^{e} Termination of Said Act —

* Whereas there is Law: oblidgeing Every Town within this Province Consisting of one Hundred ffamilyes to be provided with a Grammar School: and there being So much Time Given in the Law: as Six Months before y^{e} Penalty of the Law Takes Effect from year to year Causses a Great Neglect which is Much to y^{e} Damage of Every Such Town * 1–266

Voted That Each Town and Parish within this Province Consisting of one Hundred ffamilies be Constantly Provided with a Good Grammar School and the Selectt men of Each Town for y^{e} Time being to be oblidged to procure and Provide S^{d} Schools and in Case of their Neglect for y^{e} Space of one Month after y^{e} Publica-

tion hereof They Shall Forfiet and Pay y^e^ Summ of twenty pounds to be Applyed to Defray y^e^ Prov Charge

Eph: Dennet Clark

19: April 1721 the house is Adjoured to friday next at nine a Clock

21: April the house Mett according to Adjourment Present

M^r^ Speaker	Cap: Tepets	Eph: Dennet
Cap: Odiorn	Cap: Weigin	major: Gillman
Cap: Greenough	M^r^ Estman	Cap: Gillman
Coll: Daves	M^r^ Dam	Coll: Wier

this house is Adjourned for tow hours

the house Mett all Preseant as in the morning

Vot^d^ that Major Gillman and Cap: Odiorn be a Comitee from this house to joyn weith Sam^ll^ Penhallow and Tho: westbrook Esq^rs^ of y^e^ uper house to Draw up the above s^d^ Act Releting to the Scholl

* April 21–1721 Vot^d^ that an Act be Passt to Prevent the illegal Trade weith Cape Bretton and that a Comitte be Chosen to Draw up a Bill accordingly — and that Cap: Wigen and M^r^ Dam be a Comittee to joyn weith such as shall be Chosen in the uper house for that end — Eph: Dennet Clark — * 1–267

In Coun^ll^ Vot^d^ Concurrance

and that: Geo: Jaffry & Tho Packer Esq^rs^ be of the Comitte from the uper house to joyn weith those chosen in the house of Representatives for that end Rich: Waldron Cle: Coun^l^

the house is Adjouned to morrow Eight clock

22: April the house mett according to Adjourment all Presant as yesterday

Where as it appears to this house that it is highly necessary that there be one or more Gen^ll^ officers Chosen for Surveying land weithin this Province

Vot^d^ that his Excellency & y^e^ Hon^rble^ Board be Desired to joyn with y^e^ Representatives in Chosing a Comitee of both houses to forme a Bill for Regulating y^t^ affaire & that the High ways in y^e^ severl towns w^th^in this Province may be Repaird by labor under y^e^ Direction of Surveyors as formerly

Vot^d^ that an act be made against Cards an Dice and all other Gaming in any Publickt house weithin this Province or any of the Dependencyes thereof Eph: Dennet Clr: Ass

Read In Councell and Concured weith

Vot^d^ that major Gillman & Cap: Odiorn be a Comitee from this

house to joyn weith Such Gentlmen as are chosen in y^e^ uper house for that end

*22 April In y^e^ house of Representives *1–268

Voted That majr Gillman & Cap : Odiorn be a Comitee to joyn weith Sam^ll^ penhallow and Tho : Westbrook Esqrs : to form a Bill for : y^e^ Regulating highways in the severl towns in this Province and that they be Repared by Labor by the Direction of the Surveyors as formerly and that there be one or more Chosen as a Generall officer for surveying Land weithin this Province the house is adjouned to Monday Eight of the Clock being the 24 of April

24 ap^r^ 1721 The house mett according to adjournm^tt^ Present

m^r^ Speak^r^	m^r^ Odiorn	Cap Gillman
Cap : Wiggin	m^r^ Dam	Coll : wier
Cap : Tepets	m^r^ Dennett	Coll Davis
Cap : Greenough	maj^r^ Gillman	

* Vot^d^ That an addition be made Unto y^e^ Act of Criminal * 1–269
offenders to Prevvent Riuts for the Better preserveing of the peace within this Province Rich : Walldron Cler : Con^l^

April 22^d^ : 1721 In the house of Representatives Red and Concured weith

Vot^d^ that Maj^r^ Gillman & Cap : Odiorn be a Comitee from this house to joyne such as may be chosen by the uper house for y^e^ end above s^d^

The Petition of Joseph Chesley of Oyster River being Red in y^e^ house & Consider^d^

Order^d^ y^t^ y^e^ Petition^r^ be paid twenty Pound^s^ out of y^e^ Treasury Provid^d^ he give a discharge to y^e^ Province of any farther Claime or Demand on acc^tt^ of any matter or thing Contain^d^ in s^d^ Petition non Concured with In Concill

Whereas there is a Law in this Province which Oblidgeth all horses and Horss kind to be Kept in ffetters from y^e^ Last of March to y^e^ Last of Octo^r^ which Giveth a Liberty of five Months for those Horses to Brake over ffences and Tread and Spoil our Meadows Much : to y^e^ Dammage of Many People

Voted : That if any Horss or Horss Kind be found at any Time Going at Large with out a Sufficient Pair of ffetters that they shal be pounded and that the Owners Shall Pay y^e^ Penalty of the Law Provided in y^e^ Former Act —

Maj^r^ Gillman & Cap : Odiorne be a Committee ffrom this House

to Join with Such as Shall be Chosen in the uper House for that End

the house is adjorned for tow houers

* 1–270 *The house met according to Adjournment all presant as in the Morning

april 24: 1721 The Petition of John Shurburn of new Casele being Read and Considred in this house

Vot[d] that the Prayer of the petition be granted

The Petition of Thos Palmer Esqr: of Boston being Read and Considered

Vot[d] that the Prayer of the Petition be Granted

the house is adjourned till Morrow morning Eight a Clock

April 25 the house met according to adjournment all Preseant as yesterday and m[r] Eastman

memorandom: that one thousand pound be payd In to the Treasury this presant year

Vot[d] that our solgdiers att the Eastward be Brought home & if there be ocasion that they be improv[d] in the frontiers of our own Province Eph Dennet: Clr: Ass

25 April 1721 In Councel Concured weith

Rich Waldorn

Where of there is tow of our Province men viz: Jacah Green and Edward West in Nubery Gool for not Paying there rates to Salsbury town in the Province of Massachusets and have been there for neer this Eight weeks Pray that they may have Spedy Redres

the house is Adjourned for too hours

the house met according to adjournment all presant as in the morning

* 1–271 * 25 April 1721 The titils of Sundry Acts viz:

an act for y[e] Better Regulating High Ways

an act for Punishing Criminal Offenders and for the further Preventing Riots

An Act an additional act to Prevent damages by horses —

An Act against carrying on an Illegal trade weith the frrench at Cape Breton

In y[e] House of Representatives

Voted That y[e] Powder belonging to y[e] ffort: which is under y[e] Care of M[r] Treasurer Penhawlow be Removed into y[e] Powderhouse in y[e] ffort under y[e] Care of y[e] Commander for y[e] Time being

Ap: 25[th] 1721 Ephraim Dennet Clerk Ass[m]

In Council nonconcur weith

Vot[d] that his Excelency be presented weith one hundred pound out of the Publick Treuseruy

Vot[d] that mr Speaker Pierce Cap Odiorn and Eph: Dennet be a Comitee from this house to joyne weith Coll: Hunkin and Coll Waltton of y[e] uper house to tell over the Intrest money of the fifteen Thousand (15000) pounds in order to be Burnt

*25 April Vot[d] that his Excelency be Deisired to pass an act that the Representa[vi] of this Province be Desolved once in three years * 1–272

25 April 1721 the house is Proroged to the fifteenth day of May Next

15 May 1721 the house met according to Progation Present

mr: Spaker	Cap: Greenough	m[r] Eastman
Eph: Dennet	Majr Gillman	Cap: Tebett
Cap: Odiorn	Cap: Gillman	m[r] Dam
	Coll: Davis	

the house is adjourned till to Morrow Eight a clock
Con[ll] Ware Present y[n]

16: May the house met according to adjourment all presant as yesterday: and Cap: Wigin

Voted that Cap: Greenough be Clark of this house till further order

17 The Lieuet[nt] Governours Speech

Gentlemen

17[th] Governours Shutes Affairs of his other Goverm[t] oblidged him to Leave us before the Business of this prov was finished which ocasions my now Seeing you and I Dout Not but you are all Mett with Dispositions for Passing through y[e] Nesscessary business of y[e] Goverment for y[e] Effecting of which My best Endeavours Shal not be wanting and I Shall promote Every thing that may tend to his Maj[tts] Interest and y[e] Welfaire of this Goverm[t]—

I Recomend to your Consideration the State of his Maj[sts] Fort William and Mary and your Care must be Not Only to Raise mony for y[e] Repairing that fortification but also for y[e] Putting it into a Better Posture of Defence You all well Know that Every Wise Goverm, prepares for war in a Time of peace. I am Very Sensible that the Circumstances of our Present Affaires will not Admitt of Great things yet we may Do * Some thing Anually So that in a few Years we may have a Very Defenceable Fortification I hope what Little was Done Towards it the Last year wil * 1–273

be to your Satisfaction and you may Depend what mony Shal be Raised hereafter for that Service Shal be faithfully Applyed — It has Been y^e^ LawDable Charactor of this Goverment. and what has been our Practice once a year or Oftner to Address our Prince on the Throne I Know his Excellency Intended to have Moved it when here but Going away in a Hurry I Suppose it Slipt his Memory So that I think it a Propper Season Now to Shew our Dutifull Obedience to his Majesty King George whom God Long Continue to y^e^ Brittish Nation : you will also have an Oppertunity to Shew your Respect to his Exelency Our Governor Thankfully Acknowledging his Majesties ffavour in Continuing as Governour to us So Just to his Maj^sts^ Interest, and willing to promote the Best Interest of this People I am of opinion that the Keeping our Port Open is a Disadvantage to y^e^ Goverm^t^ So hope you will take it under your Consideration Jn^o^ Wentworth.

In y^e^ House of Representitives

Ordered y^t^ y^e^ Town of Hampton be forthwith Notified to Send two Representitives into y^e^ House to Serve his Maj^sty^ in Generall Assembly. Dan^ll^ Greenough Clerk : Ass —

The House is Adjourn^d^ till two a Clock —

Accordingly y^e^ House Mett (Allso : Coll : Weare)

The House is Adjournd till Tomorrow, Nine a Clock Excepting y^e^ Committee Appointed for perticular business

May 18^th^ y^e^ House Mett according to Adjourm^t^ Viz

M^r^ Speaker	Con^ll^ Davis	M^r^ Dennett
Maj^r^ Gillman	Cap : Greenough	Cap : Wiggans
Cap : Gillman	Cap : Odiorne	Con^ll^ Wire
M^r^ Eastman	Cap : Tippetts	Cap : Sherborne
	M^r^ Dam	

* 1–274 * May 18^th^ The ffollowing Setts of y^e^ Bank Mony was Burnt This Day in Pressence of y^e^ Generall Assembly viz :

59 : 4£ Bills — — —	£236 :	0 : 0
56 : 3£ 10^s^ Bills — — —	196 :	0 : 0
144 : 30^s^/ Bills	216 :	0 : 0
52 : 15^d^ Bills	2 :	0 : 0
94 : 15^s^/ Bills	70 :	10 : 0
95 : 4^s^/6^d^ Bills	21 :	7 : 6
43 : 1^s^/6^d^ Bills	3 :	4 : 6
27 : 1^s^/ Bills	1 :	7 : 0
Sundry Broken Bills	33 :	6 : 9
Amo^t^ of y^e^ Whole —	780 :	0 : 9

The House is Adjournd till two aClock

The House Mett According to Adjornme^{t} & all Present as in y^{e} Morning

More Burnt y^{e} Same Day Viz :

2 70^{s}/ Bills – – –	£7–0–0
4 : 80^{s} Bills – – –	16 : 0 : 0
3 : 30/ Bills	4 : 10 : 0
4 : 15^{s}/ Bills – –	3 : 0 : 0
	30 : 10 : 0
Amo^{t} of y^{e} Whole	810 : 10 : 9

* In y^{e} House of Representitives * 1–275

Voted That M^{r} Treassurer Penhallow be Impowered to Recover and Receive the Interest of y^{e} Publick Mony of y^{e} Prov : Lett out att Six ℔cen^{t} to y^{e} Severall Gent^{n} under Written — Viz :

Lieutn^{t} Governour Wentworth for	£200 —
Con^{ll} Waldron D^{o} – – –	200 —
M^{r} Treassurer Penhallow D^{o}	200 —
Coll : Geo : Vaughan D^{o}	200 —
Geo : Jaffry Esq^{r} D^{o}	200 —
Cap : Rich^{d} Gearish D^{o}	200 —
Theo : Atkinson Esq^{r} D^{o}	200 —
M^{r} Nathan^{ll} Rogers for	150 —
Cap : Rich^{d} Wiberd for	50 —
M^{r} Benj Gambling for	100 —
Con^{ll} Shad : Walton for	30 —

and that y^{e} Said M^{r} Penhallow be accountable for y^{e} Same and he is hereby Authorized and Impowerd for y^{e} Ends above Said

18th May 1721 Daniel Greenough Cl : Ass

Read in Councell & Concurred

Voted y^{t} a Com^{tee} of both houses be Chosen to Consider of Making More Bills of Creddit whether it may be Expedient and if So on what foott and how Much and that they Make Report Accordingly — The Persons Chosen for y^{e} End afores^{d} are Viz : Cap : Sherbourn Maj^{r} Gillman and Cap : Peirce to Join Such as may be Chosen of y^{e} upper house

18th may 1721 Sent up for Concurance

The House is Adjourn^{d} till nine a Clock to Morrow Morning

* May 19th 1721 The House Mett according to Adjornm^{t} * 2–276

Viz :

M^{r} Speaker	Cap : Gillman	Cap : Tippetts
Cap : Sherbourn	Eph : Dennett	M^{r} Eastman
Cap : Wiggan	Con^{ll} Davis	Con^{ll} Ware
Maj^{r} Gillman	Cap : Odiorne	Dan^{ll} Greenough
	M^{r} Damm	

Voted That Coll: Walton be Returnd Thanks for his Agency and Good Service Done to this Pro: at y^e^ Eastward and that he be Presented with Ten pounds to be paid him out of y^e^ Publick Treassury —

Voted y^t^ a Commtee of one Member out of Each house be Appointed to Survey the Stores of Powder Belonging to his Maj^ts^ ffort William and Mary and that y^e^ Same be Removed into y^e^ Powder house within y^e^ S^d^ ffort under y^e^ Care of y^e^ Cap: for y^e^ Time being Cap: Odiorne is apointed for y^e^ Com^tee^ above S^d^ and they are to Make Report of y^e^ Quantity of y^e^ Stock to this house

The House is Adjournd for an hour & Half —

and y^e^ house Mett according to Adjournm^t^ all present as in y^e^ Morning

The Petition of Eliz: Sloper hath Been Considered & Determind to be heard this Day —

The House is Adjournd to to Morrow Eight a Clock

19^th^ The House Mett According to Adjournmen^tt^ Present

M^r^ Speeker	M^r^ Damm	Cap: Wiggan
Maj^r^ Gillman	Dan^ll^ Greenough	Cap: Tippetts
Coll: Ware	M^r^ Dennett	Cap: Odiorne
Coll Davis	M^r^ Eastman	Cap: Sherbourne
	Cap: Gillman	

* 1–277 * Hampton May 17^th^ 1721

M^r^ Greenough S^r^

We Rec^d^ y^e^ Order of Assembly and in Obedience to Said order we Gave Notice to y^e^ ffreeholders in S^d^ Town to Meet this Day att three of y^e^ Clock after noon and Accordingly they Did Meet and y^e^ Order of Assembly was Read to them and the Constable Desired them to bring in their Votes but the Brought none in —

S^r^ I am y^rs^ to Serve

Jabez Smith in Behalf of y^e^ Select men

y^e^ answer of Hampton Rec^d^ 18^th^ May 1721

In y^e^ House of Representitives

Ordered That y^e^ Treassurer Receive The Powder of y^e^ Severall Vessells Trading in this Province according to y^e^ Actt y^t^ Provides for y^e^ Same

19^th^ May 1721

In y^e^ House of Representatives

Voted y^t^ Cap: Andrew Wiggan Join with the Committee Chosen yesterday to Consider of y^e^ Expediency of Making More Bills of

Creditt and Pray that they May Proceed as Soon as May be on y^t^ Affair

The House is Adjourn'd for two Hours —

The House Mett according to Adjournm^t^ all Present as in y^e^ Morning —

Mem^o^ M^r^ Jn^o^ Damm Took out his Debentor from y^e^ 30^th^ March 1720 untill y^e^ 19 May 1721

* In y^e^ House of Representitives * 1–278

Voted y^t^ y^e^ Treasurer for y^e^ Time being is Authorized and Impowered to Recover and Receive from John & Joseph Mead thirteen pounds and five Shillings Anually for y^e^ Space of fiveteen Years which is Due from S^d^ Meads as Appears by a Certain Instrum^t^ under there hands and Seals as on file

19 May 1721 Dan^ll^ Greenough Clerk Ass

The house is Adjourned till tomorrow Eight a Clock

May 20^th^ and this house Mett according to Adjournment Pressent

M^r^ Speak^r^ Peirce	M^r^ Eastman	Cap : Gillman
Con^ll^ Wire	— Greenough	Cap : Odiorne
Con^ll^ Davis	Cap : Wiggan	Epha^m^ Denett
M^r^ Damm	Maj^r^ Gillman	Cap Sherbourn

The house is Adjourned to y^e^ Second Tuseday in July Insuing.

May 20^th^ 1721 The following Debentors were Taken out Viz

Maj^r^ Jn^o^ Gillman	32 Days
Cap : Jn^o^ Gillman	29 Days
Cap : Wiggan —	26 Days

1721 July 11^th^ and according to Adjournm^t^ y^e^ House Mett Present

M^r^ Speaker Peirce	Cap : Gillman	Cap : Wiggan
Major Gillman	Cap : Odiorne	Dan^ll^ Greenough
Cap : Sherbourne	M^r^ Damm	

* By y^e^ Lords justices — Parker — Townsend — New Castle * 1–279 Devonsh^r^ — Craggs —

Addititionall Instructions to Sam^ll^ Shute Esq^r^ His Majest^s^ Cap : Generall and Governour in Chief of his Majes^ts^ Province of New Hampsh^r^ in New England in America or to y^e^ Commander in Cheif of his Majest^s^ Province of New Hampsh^r^ for y^e^ Time being Given at White Hall y^e^ Twenty Seventh Day of Septem^r^ 1720 in y^e^ Seventh year of his Majs^t^ Reign

Whereas Actts have Been Passed in Some of his Majestes Plantations in America for Striking Bills of Creditt and Isuing out y^e^ Same

in lieu of Mony in order to Discharge their Publick Debts and for other Purposes from whence Severall Inconveniences have Arose it is therefore his Majest^es Will and Pleassure that for y^e future you Do not Give your Assent to or Pass any Actt in His Majest^es Province of New Hampsh^r Under your Government whereby Bills of Credit May be Struck or Isued in Lieu of Mony or for Payment of Mony Either to you y^e Governour or to y^e Commander in Cheif or to Any of y^e Members of his Majesties Councill or of y^e Assembly of y^e Said Province of New Hampsh^r or to any other Person whatsoever without a Clause be Inserted in Such Actt Declaring y^t y^e Same Shall not take Effect untill y^e S^d Actt shall have Been Approved and Confirmed by his Majesty Excepting Actts for Raising and Settling a Publick Revenue for Defraying y^e Necesesary Charge of y^e Government of y^e S^d Province of N : Hampshire According to y^e Instructions Already Given you : by there Excelencies Command

Charles Delafay

* 1–280 * The House is Adjourned for two Hours

The House Mett According to Adjournm^t and all Present as in y^e Morning Likewise Con^ll Davis Con^ll Weare M^r Dennett

The Petition of Israel Cliford was Read in this House and y^e Prayer of y^e Petition Denied

A Petition of Doct^r Pike Was Read in this House and Considered —

Voted y^t Doct^r Pike be Allowed and Paid four pounds out of y^e Treasury of Such Speacia as Shal be ordered for Defraying y^e Growing Charge of y^e Province for y^e year 1722

A Petition of Doct^r Allin was Preffered to this House and Read and Dismist

The House is Adjournd till tomorrow Morning Eight a Clock

12^th^ And y^e House Mett According to Adjournm^t Present

M^r Speaker Peirce	M^r Eastman	Cap : Wiggan
M^r Dennett	Major Gilman	Cap : Sherbourne
M^r Damm	Cap : Gilman	Con^ll Weare
Greenough	Cap Odiorne	Con^ll Davis

* 1–281 * In y^e House of Representitives

Voted : That M^r Speaker Peirce Cap : Sherbourne Maj^r Gillman & Cap : Wiggan be a Commitee To Join Such as may be Chosen in y^e uper House To fform an Actt for y^e Printing of a Summ of Bills of Credit on a Good foundation To be Sent Home for y^e Royall Approbation

Sent up for Concurance & Concurd.

The House is Adjourned for two Hours

The House Mett according to Adjournm^{t} & all Pressent as in y^{e} Morning

Voted in house of Represente that there be an Act of Excise Impost and Export viz^{t} That all Rum imported from all parts Except from y^{e} place of its groth shall pay twenty shillings per hogg^{d} And so Pro : Rat for Leser Quanteys that all wine Except from y^{e} Place of its groth : viz^{t} : madera wine Twenty shillings per Pipe fayall & Georges and Canarey fifteen shill : per Pipe and so Pro : Rat for Leser Qunteys that all Inholders pay 6^{d} ℔ gall for Rum & wine & 10 ℔ barl^{l} for sider and Retailirs Pay the Excise of 2^{d} per gallon on Rum and 2^{d} per gallon on wine and 1^{s} per Barrel for sider all which to be payd in Province Bills of Credet or Winter Marchantable ffish at y^{e} Price as it Shall beare in y^{e} Months of June Anually to a Receiver appointed for that Purpose That all Lumber Exported from this Port Shall Pay 2/ ℔ m Except what is Exported to Europe or y^{e} West Indies which Shal be Paid in Province Bills of Credit or Mercht^{bl} boards at y^{e} Currant mony Price at New Casstle to a Receiver appointed for that Purpose

Mem^{o} The above Vote Noconcurr^{d}

* July 13th The House Mett According to Adjournm^{t} * 1–282 Present

M^{r} Speaker Peirce	M^{r} Damm	Ephraim Dennett
Con^{ll} Davis	M^{r} Eastman	Cap : Odiorne
Con^{ll} Weare	Maj^{r} Gilman	Cap : Sherbourne
Cap : Wiggan	Cap : Gilman	Greenough

Voted y^{t} Jonathan Wiggans Shal have y^{e} fery at Stretham on y^{e} South Side of Exetor River over against Cap : Rich^{d} Hiltons house and the Improvem^{t} thereof for y^{e} Space of twenty nine years and Half from y^{e} Date hereof he finding and Providing a Sufficient Boat and Cannoo for Transportation of Travelers Taking for Each horss and Rider Sixpence and no More and for Each Single Person two pence and no More Provided y^{t} y^{e} S^{d} Wiggan Allow to all Travelers Sufficient way or Passage from y^{e} King's Road Down to y^{e} fferry as y^{e} ways now Go : he having y^{e} Liberty of Hanging Gates where Needfull in S^{d} ways he always Keeping his Bridge and Cosway in Repair at his own Cost and Charge and to have Liberty to Sell Beer and Cyder free of Excise and to Give Due Attendance on y^{e} Penalty Provided by y^{e} Law in y^{e} Like Casses

and that S^d^ Penalty Shal not be in force against S^d^ Wiggans untill y^e^ 25^th^ Day of March Next after y^e^ Date hereof
Sent up for Concurance & Concurd withall

Voted y^t^ Coll : Davis Cap : Wiggan Cap Sherbourne And Cap : Odiorne be a Committee to Consider of an Excise and am Ipost and Export and to Make Report to this House as Soon as May be

* 1–283 * The House is Adjourn^d^ for an hour and half —

The House Met According to Adjournm^t^ and all Present as in y^e^ Morning

Whereas y^e^ Title of y^e^ Act Past in Gen^l^ Sessions of y^e^ Prov : in Ap : Last Relating to Riot and Riotous Assemblyes has Ocasioned Great Discourse and Many Reflections —

It is the Desire of the house of Representitives y^t^ S^d^ Act be not Printed
Sent up for Concurance & Concurd

The house is Adjourn^d^ till Eight a Clock to-morrow Morning

14^th^ The House Met According to Adjourn^t^ Present

M^r^ Speaker Peirce	Cap : Odiorne	Coll : Davis
Cap : Gilman	M^r^ Eastman	Greenough
Cap : Wiggan	Ephraim Dennet	Maj^r^ Gilman
Cap : Sherbourne	M^r^ Dam	

Voted 1 : That there be an Actt of Excise Impost & Export Viz^t^ —
2^dly^ y^t^ all Rumm Imported from y^e^ Plase of its Growth Shal Pay 10^s^/ ℔ Hh^d^ and So prorato for Lesser or Greater Quantities —
3^d^ y^t^ all Rum Imported from any place but y^e^ Place of its Growth Shal Pay 20 ^s^/ ℔ hh^d^ and So prorato for Lesser or Greater Quantities
4 : y^t^ Cannary and Madara Wine Shall pay 20^s^/ ℔ Pipe y^t^ is Imported from any place but y^e^ Place of Growth and So prorato
5 y^t^ Canary and Madara Wine Imported from y^e^ place of Growth Shal pay 10/ ℔ pipe & So prorato —

* 1–284 * 6 y^t^ ffiall and S^t^ Georges wine Shall Pay 15^s^/ ℔ pipe That is Imported from any Place but y^e^ place of Growth & So prorato —
7 y^t^ all ffiall and S^d^ Georges wine Shal Pay 8/ ℔ pipe Importd from y^e^ Place of Growth &c
8 y^t^ all Taverners and Inholders pay 8^d^ ℔ Gall : for Rumm and Wine & al Spirits and 1^s^/6^d^ ℔ Bar^ll^ for Cyder Excise
9 y^t^ all Retailers Pay 2^d^ ℔ Gall : on Rum and wine which Shal be paid in Province Bills of Cr : or Mercht^ble^ Winter fish at y^e^ Price

as it Shal bear in y^e^ Month of June Anualy to a Receiver Apointed for that Purpose

10 y^t^ all Boards Exported from this Port Shal pay 2^s^/ ℔ m/ Except what is Exported for Europe or y^e^ West Indies which Shal be paid in pro : Bills of Cr : or Merch^tbl^ Boards at y^e^ Currant price to a Receiver Appointed for that purpose

11 y^t^ y^e^ Duties and Excise be paid in Speacies or Prov : Bills of Cr :

12 y^t^ all Taverners Inholders and Retailers shal be under Oath 4 Times in a year to y^e^ Quantity of Liquor they Draw and that all masters of Sloops Shal be under oath Likewise to what Liquor they Bring into this province

13 That all Merch^tbl^ ffish Exported from this Province Except what Shal be Exported to Foreign Parts Shal Pay 12^d^ ℔ Quintal to be p^d^ in Pro : Bills of Cr. or Speacia —

14 y^t^ all Taverners and Retailers be allowed 1/5 part for wastage

Voted y^t^ all Pedlers and Incomers y^t^ Shal Trade in this Province of New-Hampsh^r^ Shal Pay 2½ ℔ Sent — for all their Trade as they shal Give in upon Oath

Voted y^t^ Coll Davis Maj^r^ Gilman and Cap Odiorne be a Com^te^ to Join Such as may be Chose in y^e^ uper house to form a Bill according to y^e^ Preceeding Vote

* y^e^ Vote on y^e^ other Side Sent up for Concurance & Con- * 1–285
Curr^d^ M^r^ Penhallow M^r^ Wibird M^r^ Geo : Jafry a Commtee from y^e^ uper house

the House is Adjourn'd for an Hour & half

The House mett according to adjournm^t^ and all Present as in y^e^ Morning

Whereas there was an Act Past in y^e^ year 1716 for one Thousand Pounds Bills of Cr : to be Paid into y^e^ Treasury in y^e^ year 1721 and Considering y^e^ Dificulty of Making Payments Through y^e^ Scarcity of mony and hoping y^t^ y^e^ Excise &c with what Stock is in y^e^ Treasury may be Sufficient to Defray y^e^ Pro : charge for this Present year

Voted y^t^ y^e^ S^d^ Thousand Pound be Removed to y^e^ year 1728 ; Sent up for Concurrance and Lyes under Consideration

For as Much as there is Several Tippling houses in this Province y^t^ Privately Sell Strong Drink without Licence and are So Very Private in it is hard to Make Proof of y^e^ Same —

Voted y^t^ Every Justice of y^e^ peace within this Province be Impowered to Summon all Such Psons as they shall have Information off y^t^ Do at any Time Drink Strong Drink in any of those houses and

Put them to there Oaths whether they Pay for it Either Directly or Indirectly — and upon Refusall to take Such Oath to be Sent to His Majsts Goal there to Remain untill they take Such Oath as afores[d] and Every Person So Selling being Convicted pay a fine of five pounds to be Collected & Disposed as y[e] Law prvides in
* 1–286 y[e] Like Cases * and y[t] all Licenced houses within this Province Shall Constantly be provided with Beer or Cyder for y[e] Refreshment of Travelers under Penalty of paying ten Shilling for every Defect So Often as they Shall be found two Days without it and that there be an Act Drawn up Accordingly —
Maj[r] Gillman Con[ll] Davis & Cap : Odiorne be a Committee to Join Such as May be Chose in y[e] uper house to form S[d] act
Sent up for Concurance & Concurd with
The House is Adjournd till Seven a Clock to Morrow Morning

15[th] According to Adjournm[t] y[e] house mett Present

M[r] Speak[r] Peirce	Cap : Odiorne	M[r] Damm
Coll : Davis	Cap : Sherbourne	Greenough
Cap : Gilman	Cap : Wiggan	Cap : Dennett
Maj[r] Gilman	M[r] Eastman	

15[th] July 1721 Burnt of y[e] Bank Mony in y[e] face of y[e] Gen[r] Assembly — £234 : 5 : 6
Voted y[t] y[r] be a Receiver of y[e] Boards Mentioned in y[e] Act at Dover and Exeter
Sent up for Concurance & Concurd with
* 1–287 * Cap : Odiorne & Greenough Enter their Decent against y[e] Duty of fish as in y[e] Act
Voted y[t] his Honour y[e] Lieu[t] Gov[r] Shall be Presented with a hundred pounds to be p[d] him out of Excise in Specea —
the house is Adjournd to thirdsday y[e] 20[th] of this Instant July

1721 July 20 The House Met Acording to adjourm[t] Present

M[r] Speak[r] Peirce	Con[ll] Davis	Cap : Wiggan
Maj[r] Gillman	Cap : Sherbourne	Greenough
Cap : Odiorne	M[r] Eastman	M[r] Damm
	Cap : Gilman	

The House is Adjourn[d] for two Hours
The House Mett According to Adjournm[t] all Present as in y[e] Morning
* 1–288 * 1721 M[r] Treasu[r] Penhallow[s] acc[tt] Allow[d] by y[e] Comitte of Audit brought in & Setel[d] to y[s] day 15 July 1721 D[r] to y[e] Province tax on y[e] Several Towns in y[e] year 1720 amounting to £1600 : 0 : 0

to y^e^ Interest of y^e^ Money Due ℔ Bond from Sund^r^ Gent^n^ w^ch^ Bond^s^ terminates 27 Oct^r^ annually —
to The interest of Jn^o^ & Joseph Mead^s^ Bond y^e^ first payment Due y^e^ Second tuesday of may 13/5/0 ℔ annum — 13 : 5 : 0

* 1721 15 July Con^r^ Crd * 1–289

By y^e^ Ballance of y^r^ acc^tt^ allow^d^ this day – £758 : 5 : 1

* Province } 19 ap : 1721 att a Meeting of y^e^ Com- *1–290
N : Hampsh^r^ } mittee for Auditing Prov : The following aco^ts^ Allowed Viz : —

1^ly^	Aco^tt^ Satisfaction made for y^e^ Death of y^e^ Indian Supposed to be hermach Murdered in y^e^ Prov : and y^e^ Lieu^t^ Gover^s^ &c : Going Eastward to Make y^e^ Present – – –	£91 : 14 : 5
2	Muster Role Sign^d^ ℔ Cap : Moody Souldiers at y^e^ Eastward Under his Command —	203 : 7 : 3
3	The Treasures aco^tt^ Provisions &c for y^e^ Souldiers	245 : 2 : 5
4	y^e^ Treasurers Perticulars Aco^t^ of Sundry Disburs^mts^	186 : 8 : 7
5	Disburstm^ts^ on y^e^ Prison	56 : 18 : 0
6	M^r^ Clark Waldrons Aco^t^	58 : 0 : 0
7	Doct^r^ Rob^t^ Pike for Administrations on William White a Soldier Referr^d^ To y^e^ Gen^r^ Assembly	
8	Con^ll^ Weare as ℔ his Aco^t^	3 : 0 : 0
9	M^r^ Thom^s^ Dean	0 : 6 : 6
10	Rob^t^ Coats for Lighthouse & other work at y^e^ ffort	14 : 10 : 7
11	D^o^ for Masons work att y^e^ ffort & —	12 : 5 : 0
12	Geo : Peirce for Iron work at y^e^ Prison	13 : 0 : 0
13	Rich^d^ Perry Gunsmith for Mending Arms	1 : 0 : 0
14	Rob : Coats for Trouble about y^e^ Lighthouse Refferd	
		885 : 12 : 9

The foregoing aco^t^ Allowed By us —

M^k^ Hunking	Rich^d^ Wiberd	Jotham Odiorne
Geo : Jaffry	Jn^o^ Gillman	Peter Weare

15 July 1721 In y^e^ House of Representitivs
The above is Excepted and —

Voted y^t^ y^e^ Several Summs Anexed to y^e^ Several names in y^e^ within aco^t^ be allowed to be paid as also 20/ Rob^t^ Coats for his Trouble abo^t^ y^e^ Lighthouse £1 : 0 – 0
and to Doct^r^ Pike for will^m^ White Phicc'n 4 : 0 : 0

Sent up for Concurance & Concurd —

* 1–291 * The following Debenters were Taken out this 20th Day of July 1721

Majr Jno Gilman from ye 28th may 1720 to ye 20th July 1721 being in all — 42 Days —
Cap : Jno Gilman from Do to ye 20th July 1721 being in all 39 Days
Cap : Andrew Wiggan from ye 28th may 1720 to ye 20th July 1721
Mr Samll Eastman from ye Last Autumn 24 Days being all that was Due
and the House is Prorouged till Sep : 14th : 1721

Mem 18th Aug : 1721 Cap : Odiorne Took out his Debentor for fourty two Days being all yt was Due —

14 Sept 1721 The House Mett according to prorogation Present

Mr Speakr Peirce	Cap : Odiorne	Greenough
Cap : Sherbourne	Cap : Dennett	Mr Dam

and Adjourned ℔ Mr Clerk Waldrond to 3d of octobr Next —

octobr 3d 1721 The House Mett According to prorogation Pressent

Mr Speaker Peirce	Cap : Samll Tippetts	Cap : Odiorne
Cap : Sherburne	Mr Damm	Greenough —
Cap : Andrew Wiggan	Collonal Weare	

The House is Adjournd for two hours

* 1–292 * Octo : 3d and ye House Mett According to Adjournmt All Present as in ye Morning & Majr Gillman, Cap : Gillman, Mr Dennett, Mr Eastman, Coll : Davis
And this House is Adjournd till Tomorrow nine of ye Clock

4th According to Adjournmt ye House Mett Pressent

Mr Speakr Peirce	Cap : Sherbourne	Greenough
Majr Gillman	Lieut Dennet	Cap : Gillman
Conll Weare	Mr Damm	Mr Eastman
Cap : Wiggan	Cap : Odiorne	Coll : Davis
	Cap : Tippett	

In ye house of Representitives

Voted That ye Treassurer be Desired to Lay ye State of ye Province before this house Relating to ye Mony in ye Treassury —

Voted Mr Speakr Peirce Coll. Weare and Cap : Wiggan be a Commtee to form an Answer to His Honours Speech

and ye House is Adjourn'd for two Hours

According to Adjournment The House Mett all Present as in ye Morning —

* In Answer to his Honnours Speech * 1–293
The House of Representitives are Concern[d] for his Excellencies Misfortune that they Cant have his Company here this Sessions according to Expectation —

We Presum[d] y[t] at our Last Sessions we had Taken Nessasary Care for y[e] Support of y[e] Government for y[e] Present year as far as we had any Vein of y[e] Growing Charges having then Upward of Eight hundred pounds & upwards in y[e] Treasury and a Prospect of as much more by the Impost &c.

It appears to this house a Great Grievance that So many men Should be Drawn out of this province to Support y[e] Eastern ffronteers whereas our own Province is Exposed in our fronteers as much as theirs

and we pray his Excellency may be Desired to Return our men home for y[t] we are humbly of opinion y[t] we are neither able nor oblidged to Support our men there So with Great Respect we are y[r] Hon[rs] Serv[ts]

* This House is Adjourn[d] till tomorrow Morning Eight of * 1–294
y[e] Clock

5[th] y[e] House met According to Adjournment Present

M[r] Speak[r] Peirce	Cap : Odiorne	Con[ll] Davis
Maj[r] Gilman	M[r] Dennett	Con[ll] Weare
Cap : Gilman	M[r] Damm	Cap : Sherbourne
Cap : Tippetts	M[r] Eastman	Greenough
	Cap : Wiggan	

1721 Constable Longfellow of Hampton being Obstructed in y[e] Collecting his Rates Near y[e] Line in Controvercy there being 28£ 12[s]/ behind —

Voted That y[e] S[d] Constable Longfellow be allowed y[e] above S[d] 28£ 12[s]/ out of y[e] Treasury and y[t] y[e] S[d] Sum be Levied on y[e] Town of hampton in their Next Province Tax :

Whereas y[r] was a Vote Sent up y[e] 14[th] of July Last at our Session Relating to y[e] Removall of y[e] £1000 to y[e] year 1728 which was to have been Paid into y[e] Treassury the present year —

It is y[e] Desire of y[e] House of Representitives that y[e] S[d] Vote be Revived and Concurrd with

Read in y[e] house three Times and Sent up : for Concurance

This House is adjourn[d] for two Hours

* According to Adjournment y[e] House Mett all Present as *1–295
in y[e] Morning —

The Petition of Peter Greely Being Read and Considered — and ye Prayer of ye Petition is Granted —

The House is Adjournd till tomorrow Nine a clock

6 The house mett According to Adjournmt Present

Mr Speakr	Coll : Davis	Cap : Wiggan
Majr Gilman	Mr Eastman	Cap : Odiorne
Cap : Gilman	Mr Dennett	Mr Damm
Cap : Sherbourne	Cap : Tippetts	Greenough
	Coll : Weare	

Octo : 6th 1721 Conll Peter Weare Took out his Debentor for what was Due being twenty Seven Days

6th Octobr 1721 Cap : Samll Teppetts Took out his Debentor for Ninteen Days being what was Due

The house is Adjournd for an hour and half —

The house Met according to adjournmt all Present as in ye Morning —

The House is Adjournd till tomorow Eight of ye Clock

7th According to Adjournt ye house Mett Present

Mr Speaker Peirce	Cap : Wiggan	Mr Damm
Majr Gilman	Cap : Odiorne	Cap : Sherbourne
Cap : Gilman	Mr Eastman	Mr Denett
Cap : Tibbets	Coll : Weare	Greenough
	Coll : Davis	

* 1–296 * May it Please yr Honr

In answer to yr Honrs Speech —

We ye Representitives are Grievd for his Excellencies Misfortune which Prevents his Seeing us this Session

As to Provision for Support of Governmt yr Honr Recomends to us — we Presumd yt at our Last Sessions upon ye Settlemt of ye Treassurers acots there being a Ballance of about £700 — in his hands That yt Summ with ye Impost and Excise Dayly Coming in to ye Treasury would have been Sufficient to Defray ye Acrueing Charges of the Province for this year So far as we had a Veiw thereof and would have been Sufficient to Answer all Demands if his Excellency had not ordered Such a Number of fforces into ye Eastarn Parts which to us is a Great Greivance yt our men Should be Drawn out of our Prov : to Defend & Cover yt Couutry when our own ffronteers are as Much Exposed and we at Expence of Scouts at ye Same Time wherefore we Pray yt His Exelency may be Desired to Give Orders for ye Calling them home we not being Olidgd to Support them there

Neither are we Disposed to Raise any money for that Service or allow any

with Great Respect we are y^r Hon^rs Obedient Serv^ts

Josh : Peirce Spek^r

Voted y^t there be an Actt to Perhibet a Trad and Commerce with y^e Easward Indians and y^t a Com^tee of both houses be Chosen for y^e Ends afores^d

6 octo : 1721

* Voted That Coll : Davis & Coll : Weare a Commtee to form an Actt to Prohibitt a Trade & Commerce with y^e Eastward Indians — * 1–297

6^th Octo 1721 An ackt pased to prevent tradeing With y^e Eastern Endians pased y^e 7 daye of Octo^b 1721

O^t y^e 7 : 1721 Voted that y^e ackt of Impost & Exporte be Passed to Repeal y^e S^d Act on Condition ; So far as Relates to y^e Importation of Liquors and Exportation on boards

Whereas y^e Act of Exsise Passed in Gener^ll Assembly which was to Take Effect y^e 19^th Day of July 1721 w^ch Interfeers with y^e Licences Taken before which Terminated y^e 6^th Day of Septem^r following —

M^r Speaker Peirce and Maj^r Gillman are Apointed to Accompany his Hon^r y^e Leiu^t Gov^r to Ipswich

Voted That y^e S^d Act Should not Take place untill y^e S^d Sixth Day of Septem^r 1721

Sent up for Concurrance

this Day Burnt in the face of y^e Gen^rall Assembly £143 : 4^s : 4^d of which Summ y^e Commtee is Discharged which Summ is of y^e 15000£ Bank mony —

and The house is Adjourn'd to y^e 7^th Day of Novem^r Next

1721 7^th Novem^r The House Mett According to Adjournm^t Present

M^r Speake^r Peirce	M^r Dennett	Cap : Tippets
Coll : Weare	Greenough	M^r Eastman
Cap : Wiggan	Coll Davis	

and y^e House is prorouged to y^e 21^st Instant

1721 21^st Nov : y^e House Met according to prorogation Present

M^r Speake^r Peirce	Cap : Wiggan	M^r Denett
Coll : Davis	Cap : Odiorne	Greenough
	Capt : Tippetts	

* To Maj^r Jn^o Gillman & Cap : Jn^o Gilman — * 1–298

Gent you are Each of you in his Majets Name Required to Give yr Attendance in ye House of Representitives to morrow Morning at nine of ye Clock hereof fail not —

Dan[ll] Greenough Cl: Ass

℔ order of ye House of Representitives 21st Nov 1721

The House is Adjourned till tomorrow nine of ye Clock

22d The House Met according to Adjournmt Present

Mr Speakr Peirce	Cap: Tipits	Mr Dennet
Coll Davis	Cap: Wiggan	Greenough

Lieutnt Governer Wentworths Speech

Gentmen The Principle Reason of My farther prorouging ye Genrll Assembly to this Day was to Give ye other Governmt Time before us to See whether they would Repeal an Act Lately Imposed on this Governmt So Cruel and So Oppressive —

I am to Let you Know yt Since our Last Sitting Mr Speakr Peirce and Mr Treasurer Penhalow Accompanied Me to Ipswich where I met Governr Shute according to appointmt and we Discoursed Matters over Relating to ye above Act &c. and Came to ye Resolve yt in Case ye Massatchusets wil Drop al thier Impositions formerly and Lately Laid on this Governmt that then and in Such Case we would Do the Same Vizt Drop all Duties Laid by us on them * 1–299 * or in Such wise as they Do by us His Exellency has Promist his Best Endeavours Shal not be wanting for ye Accommodating Thereof —

Now in Case ye Massatchusets Does not Redress us then we have Nothing more Left us but to State ye Case fairly and Address his Majesty by our Agent Mr Newman and you may be Assured yt I will Do Every thing in My Power for ye Repealing that Actt When our Actt and yt of ye Massatchusets Comes before Impartial Judges ours wil be thought no Hardship but one Governmt may Lay on another but theirs will Look Cruell and Oppressive —

I Would Recommend to your Consideration the 1500: £ Collected Last year and Should have been Burnt according to Actt of Genll Assembly, for what Reason yt Mony was Missapplyed Mr Treasurer is to acott for; I hope you will Consider of ways and Means to bring it into ye Treassury again that So it may Answer ye Just End for which it was made —

I Remember ye Last year there was a Motion Made for Calling in ye 15 Penny Bills of Credit Many of which were found to be Counterfeited it will be Well worth your while to Consider and Raise Mony for yt Use on a Good ffund & Put into ye Treassury for Exchanging Sd Bills and that you will take Care that his Exelency May

be provided for as Usual y^t So y^e Hon^r of this his Maj^ts Goverm^t may be Supported J : Wentworth

The House is adjourn^d till tomorrow nine of y^e Clock

* 23^d The House Mett Acording to Adjournm^t Pressent * 1–300

M^r Speak^r Peirce	Cap : Wiggan	Greenough
Coll : Davis	Cap : Odiorne	Cap : Tippetts
	M^r Dennett	

The House is Adjournd for an hour & half accordingly y^e house met all Present as in y^e Morning —

And y^e house is Adjournd Till monday next

Prov of N : Hampsh^r } George &c :

Whereas Sundry Members of y^e house were Delinquent according to y^e Adjounm^t from Novem^r 7^th To 21^st of S^d Nov a warrant was Isued out from this house ℔ m^r Speak^r for there Appearance —

1721 Novem^r Munday y^e 27^th y^e House met acording to Adjournm^t Present

M^r Speak^r Peirce	M^r Dennett	M^r Damm
Cap : Tippetts	Maj^r Gilman	Greenough
Col : Weare	Cap : Gilman	Cap : Odiorne
	Cap : Wiggan	

And y^e House is Adjourn^d for an Hour & a half

And y^e House Met According to Adjournm^t all Present as in y^e Morning

* 27 No : 1721 The house sent y^e Clark w^th one member * 1–301 to wait upon his Honour To be Inform^d Whether His Excelency hand Sent any orders for y^e Bringing home of our men from y^e Eastern ffronteers —

His Hon^r Answer^d y^t His Exelency would Dismiss all but 200 : of which our Quoto would be 20 —

Vot^d — That his Excelleney be desir^d imediately to order all our Province men home from their Respective post att y^e Eastward they being in a Sufering Condition & wee neither willing nor oblig^d to Support them there

27 No : 1721

Voted Maj^r Gilman Coll : Wear & Cap : Odiorne a Commtee to form an Answer to y^e Lieu^t Gov^rs Speech —

The House is Adjourn^d till tomorow nine a Clock

28th The House mett according to Adjourm^{t} Present

M^{r} Speak^{r} Peirce	Maj^{r} Gilman	Cap : Wiggan
Coll : Weare	Cap : Gillman	Cap : Odiorne
Cap : Tipetts	M^{r} Damm	Greenough
	M^{r} Denett	

In y^{e} House of Representitives

Voted : That an Express be forthwith Sent to his Exelency to Pray y^{t} he would Send orders to Draw of all our men which are in his Maj^{sts} Service at the Eastward they being in a Suffering Condition and we Resolvd not to Support them there

* 1–302 * The House is Adjourn'd for an hour and half and y^{e} House Mett According to Adjournm^{t} all Pressent as in y^{e} Morning —

an answer to y^{e} Lieut^{nt} Gov^{rs} Speach

May it please y^{r} Hon^{r}

We Heartily thank y^{r} Hon^{r} and y^{e} Gent^{n} which Accompanyed y^{r} Hon^{r} To Ipswich to Meet his Exellency and according to y^{e} Resolve there we hope y^{t} his Exellency will according to his Promis us his Best Endevors to accomedate the Affair Relating to y^{e} Late severe Actt of Duties that it may be Accomadated at the next Sessions of the Generall Assembely of y^{e} Massatchusets and in the mean Time y^{t} our Actt of Duetis be Repeald so far as Relates to y^{e} Duty on Lumber

As to y^{e} 1500^{ll} Collected Last year and Should have been burnt but is Missapplyed we Expect y^{t} M^{r} Treassurer Return y^{e} Mony y^{t} it may be burnt according to y^{e} Tennor of y^{e} Act of Gen^{ll} Assembly

As to y^{e} 15^{d} Bills of Credit which werer found to be Counterfieted or any other of our bills when Brought into y^{e} Treassury we will Take Care to Suppress y^{e} Villany and make Good y^{e} Dammage

as for Providing for his Exellency we are Ready and Willing to Do it as Soo as we are able

28th Nov : 1721

* 1–303 * The House is Adjourn'd till tomorrow nine a Clock

The House Mett according to Adjournm^{t} Present

M^{r} Speaker Peirce	Maj^{r} Gilman	Cap: Tippets
Coll Weare	Cap: Gilman	Greenough
Cap: Wiggan	Cap: Odiorne	M^{r} Dennit
29th	M^{r} Damm	

Voted That there be a Clerk Chose which Does not belong : to y^{e} House and y^{t} he Shal be paid for his Service out of y^{e} Publick Treassury —

Voted That Cap: James Jeffrey be clerk for y^e^ year Insuing and y^t^ he Shall have Ten pounds for his Service and according Sworn to his fidelity in S^d^ Ofice and S^d^ Clerk to give out y^e^ Debenters To y^e^ Members of Assembly free of Charge

The House is adjourned for an houre & halfe

Post Meridiam met according to Adjournm^t^ all the Psons above —

In the house of Representatives

Voted That our Late act of Duty^s^ be wholly repealled Excepting what relates to Excise & Importation of Liq^rs^ & from forreigne parts —

29^th^ –9^r^ –1721– non cancur'd

In the house of Representatives

Voted That a Committe of this house be Chosen to Joyn w^th^ a Committee of the upper house to form an address to the Mass^a^ Governm^t^ for the Laying all Duties asside in Each Which wee suppose will be for y^e^ bennefit of both Provinces —

29^th^ No–1721– non concur'd —

adjourned till Tomorrow 9 a clock Anti M —

* 30: No^r^ thursday Anti Meridiam the house met according to Adjournment — Present * 1–304

M^r^ Speaker Peirce	Cap^t^ Wiggans	M^r^ Dennit
Coll Weare	Cap^t^ Tibbets	M^r^ Dam
Maj^r^ Gillman	Cap^t^ Odihorn	Cap^t^ Gilman
	Cap^t^ Greenough	

9^r^–30–1721 In the house of Representatives

Voted That our Late act of Duties be further Suspended til march Next, Provided the Massachusets will Drop all the former & Later Duties on this Province: which if they do wee will wholly Drop & Repeal ours, Excepting what Relates to Excise & Importation of Liquors &c from forreign parts —

Ja^s^ Jeffry Cl Ass^m^

Province of New Hampshire } In the house of Representatives

Voted that a Committee of this house be Chosen to Joyne with such as may be Appointed of the upper house to form an Address to his Excellency to represent to the Gov^r^ of the Massachusets our Desier for y^e^ Laying all Duties Asside in Each. Which wee suppose will be for y^e^ Bennefit of both Provinces & y^t^ John Gillman & Andrew Wiggans Esq^rs^ be of y^e^ Committee for y^e^ Ends affore S^d^

29^th^ –9^r^ –1721–

N° 30th 1721 In the house of Representatives

Voted/ That our vote passed ye 7th of 8r Last past relateing to suspending ye act of Duties of Export & Impost be further continued to ye Midle of March Next on ye same former Conditions, which Conditions if not Complyed with by ye Massachusetts yn to be in force Jas Jeffry Cl Assm

1–305 N° 30th 1721 In Councill

As an Explanation on ye Excise on drink, Lately past It's to be understood yt ye Species therein Mentioned be Merchantable pine boards End fish End that the same be paid unto the Collr thereof at Portsm° ———— Richard Waldron Cl Con

In the house of Representatives Read & Concur'd

30 : 9r–1721– Jas Jeffry Cl Assm

the house adjourn'd for One hour & Halfe

Post Meridiam the house met againe all the members above Named —

Voted that Edward West be allowed three Shillings ℔ Diem for forty Eight Dayes : that he was in Custody at Newbury on act of paying Rates (he haveing taken his Oath in the Assembly yt he was So Long in Custody) And that it be paid him by the Town of Hampton : And that the Select men of sd Town make an Assesmt for the same

the house adjournd til tomorow Nine of the Clock P–M.

fryday the December ye first 1721 A M the house Met accordingly ℔sent

Mr Speaker Pierce	Capt Wiggans	Capt Greenough
Coll Weare	Capt Gilman	Mr Dennet
Capt Odihorn	Capt Tibbets	Mr Dam
	Majr Gillman	

* 1–306 * Prov of New Hampsr } In the house Representatives

Voted that there be No More Memorials received by this house from Mr Treasurer Penhallow relateing to Accompts of this Province But that he bring in the Province accompts truly by Debt & Credit: And that the Accompts from the fifteenth of July Last past be Brot in forthwith to uss accordingly —

Fryday 9r ye 30–1721 : Copy of his Excellencies Letter of 9r ye 29th Directed to the Honble John Wentworth Esqr Lt Govr of New Hampshire

Sr, I recd your Express & if the Genll Court are of Opinion yt it is

for the Interest of the Province y^t y^e Souldiers at the Eastw^d Should be Discharged, I Do hereby give my consent unto it.

I am your humble Serv^t

Samuell Shute, Boston —

wednesday five of the Clock afternoone

x^r y^e 1^st : 1721 : In the house of Representatives :

Upon the return of his Excellencies Letter by the Express sent to him : in Relation to the Discharge of the Souldiers at the Eastward —

Voted, that the Souldiers be forthwith Discharged & that the Lift^t Govornour is Desiered to Send his Orders for them by Express : to Com home by Land : And that a Vessell be Imediatly Sent with provissions for theire Subsistance home —

And then the house adjourn'd for an houre & halfe P. M.

x^r : 1 : 172 : P. M : the house met according to adjournment all before Named & Coll Davis :

The house adjourned till Tomorrow Nine of y^e Clock An : M^r —

* Province of } * 1–307
New Hamps^r } The House met according to y^e adjournment
all as above

x^r : 2^d : 1721 : M^r Speaker Pierce took out his Debenture for fifty foure Dayes : from y^e 6^th x^r 1720 to the 2^d Day of x^r 1721 —

Cap^t Samuell Tibbets took his Debenture from y^e 27^th 7^r to the 2^d of x^r 1721 for thirty Eight Dayes —

Coll Peter Weare Took his Debenture from the 6^th of 8^r 1721 to y^e 2^d x^r 1721 for 14 Dayes —

Whereas there is an Immediate want of Money for support of the Governm^t

Voted that Mark Hunking & George Jaffrey Esq^rs be a Committee to Joyn with two of the Lower house to Draw up an act for Imprinting one thousand pounds : & that the Said Committee or Any three of them be Appointed to Signe the Same

9^r : 39^th : 1721 Richard Waldron Cle^r Con

x^r : 2^d : 1721/ read in the house of Representatives & Non Concurr'd

In Councill

Voted y^t y^e 1000 pounds y^t by act Should be paid : into the Treas^ry this Yeare, be Collected by y^e 20^th July next in Bills of Credit of this Province & y^n Burnt according to S^d act^t

9^r 30^th Rich^d Waldron Cle^r Con.

x^r y^e 2^d : 1721/ In the house of Representatives

Voted y^t y^e two above voats ly under Consideration till y^e Spring Sessions —

* 1–308 * Province of } In the House of Representives
New Hamps^{r} }

Voted : That m^{r} Treasurer Penhallow Do forthwith gather in the Interest money Due to this Province And pay one hundred pounds of it to his Excellency Gov^{r} Shute

x^{r} y^{e} 2^{d}–1721–

Isaac Green allowed forty Eight Dayes @ 3/ ℔ day haveing taken his Oath y^{t} he was detained So long at Newbury —

x^{r} 2^{d} : 1721– In the house of Representatives A M^{d}

A Petition of Cap^{t} Benj^{a} Wentworth ag^{t} M^{r} Samuell Plaisted to revive a Judgm^{t} obtained ag^{t} S^{d} Plaisted from June Court 1721

In Councill voted the Petitioner may Bring his Suit at the Infe^{rr} Court Next :

In the house of Representatives Concurred

The house was adjourned to the Second tuesday in fe^{r} Next

Eaphraim Dennit had his Debenture from x^{r} : 27th : 1720 to y^{e} 2^{d} x^{r} 1721 being forty five Dayes —

Cap^{t} Henry Sherburn had his Debenture from x^{r} y^{e} 6th 1720 : to x^{r} 2^{d} 1721 being twenty one Dayes —

Cap^{t} Daniel Greenoughs Debenture for Clerk of the Assembly for 60 Dayes to the 5th x^{r}–1721–D^{o} for Assembly Man from the 24th May 1720 to the 30th of November 1721–

M^{r} John Dam his Debenture to the 6th fe^{r} 1720/1 from y^{e} 20th May 1721 thirty Nine Dayes–

* 1–309 * Province of } The house Met according to the Adjourment
New Hamps^{r} }

M^{r} Speaker Pierce	Maj^{r} John Gilman	Cap^{t} Daniell Greenough
Coll^{ll} Peter Weare	Cap^{t} John Gilman	Cap^{t} Sam^{ll} Tibbetts
Coll^{ll} James Davis	M^{r} Justice Eastman	M^{r} Eaphraim Denit
Jotham Odihorn Esq^{r}	Cap^{t} Andrew Wiggans	M^{r} John Dam

Note only those under in the Comon line met and not all the Assembly here Entred —

of these above there then Met only M^{r} Speaker Pierce Maj^{r} John Gillman Cap^{t} John Gillman Cap^{t} Andrew Wiggans Cap^{t} Jotham Odihorn : Cap^{t} Daniell Greenough M^{r} Eaphraim Dennit M^{r} John Dam : The Assembly prorouged to tuesday y^{e} 27th of March Next

Province of } 27th March 1722 Met according to adjornm^{t} viz^{t}
New Hampshire }

M^{r} Speaker Pierce	Cap^{t} Daniell Greenough
m^{r} Eaphr^{a} Dennit	m^{r} John Damn —

the Assembly further Prorouged to the 16 Aprill : 1722–
Province of New Hampshire Aprill y^e^ 16^th^ 1722
the house Met according to Adjornmt viz^t^

M^r^ Speaker Pierce M^r^ John Damn
Cap^t^ Daniell Greenough

Then the Assembly was prorouged to the 30^th^ Ins^t^.

DOCUMENTS

RELATING TO THE

BOUNDARY LINE CONTROVERSY

BETWEEN

NEW HAMPSHIRE AND MASSACHUSETTS.

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NOTE.

The documents which follow, relating to the Boundary Line controversy, are copies taken as literally as possible from the records in the archives of the State of New Hampshire and the State of Massachusetts, and, to some extent, from the English archives. The legislative proceedings of the two States, except as they appear in files of legislative papers, are not given here, for the reason that the New Hampshire Assembly records have already been published in this series, so far as the originals are accessible; and as to the Massachusetts legislative records, it has not been deemed advisable to extract matter from them in detail, pertinent only to this subject, for the principal reason that we may expect that those Journals will be published in a complete form in the near future by authority of that State, and much of that matter is already in print in the original official Journals. Furthermore, it has not been considered advisable to accompany the publication of the documents in the form here presented, with any comments in addition to the controversial literature that relates to this long-standing contention. The state commissioners now actively engaged in the service of the parties may be expected to present all the arguments deducible in behalf of their respective States in the reports which they will soon submit. The occasion for this publication is opportune, as there can be no doubt that the material here offered will be of service to the commissioners in their work, and aid the interested public in forming their judgment on the questions at issue. The calendar of papers in the English archives relating to New Hampshire, which has been recently obtained for the New Hampshire Historical Society by state aid, through the agency of Mr. B. F. Stevens, of London, constitutes a succeeding part of this volume. An examination of the calendar will indicate what other papers relating to the subject of the boundary line, not included in this publication, may be found among the English archives, to which Mr. Stevens's work is a valuable index.

THE EDITOR.

[*Draft of Resolutions about Uniting N. H. and Mass.*]

[Mss. "Town Boundaries," p. 201.]

WHEREAS This His Majestys Province of New Hamp^{r} has wth all Chearfullness hitherto Supported the Goverm^{t} here thô with y^{e} Utmost difficulty by Reason of their Poverty and Smallness of their Numbers there being but 8 Towns wth in y^{e} S^{d} Province & y^{e} one half of y^{t} but of Little Consideration poor Inconsiderable number to Support y^{e} Dignity of a Govern^{t} & y^{e} Province being so Strait in Its limits y^{t} y^{e} utmost Extend N & S is not 20 miles, & lying wth in the bowels of y^{e} Mass^{a} and Whereas Many Disputes have arisen ab^{t} y^{e} Divisional line Attended wth Great Cost both at y^{e} Court of Great Britain & here & all without any prospect of a Settlement of y^{e} S^{d} line that we know of, and further Whereas In Case of another Indian War we Shall be never able to defray y^{e} Charge y^{t} will unavoidable attend it & pay off our former Debts and whereas y^{e} Trade of y^{e} Two Provinces has been Sometimes Considerably Interrupted by y^{e} Differing Sentim^{ts} of y^{e} Two Gen^{l} Assem^{s}, And Whereas Our Represen being conscious of these things at y^{e} last Session of Gen^{l} Assem^{y} Voted that Application Should be made To His Majesty to obtain a Union of y^{e} 2 provinces & y^{e} Prov : of y^{e} Mass^{a} Should be Consulted & y^{r} favour ask'd in the Premises — THESE are therefore to Manifest our Acquiescence in what our Represen^{s} have done and to Signify our Earnest desire that the Provinces may be united and That Some Persons will be pleased to undertake y^{e} Matter for us by using all proper means for y^{e} obtaining So desirable an End

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[*New Hampshire Committee Appointed to Run Line*, 1693.]

[Mass. Arch., Vol. 3. p. 480, and N. H. Mss. Prov. Boundaries, p. 7.]

New Castle October-1693

S^{rs}/ The Hon^{ble} the Lieu^{t} Govern^{r} and Councill have Ordered and apointed to have the Bounds of this Province from Three Miles Northward of Merrimack River Runn On the ffourteenth day of November next And have apointed M^{r} Joseph Dow and M^{r} Samuell Dow Surveyers and Cap^{n} Henry Dow and Cap^{n} Joseph Smith to be Com^{rs} for the doeing the same I am alsoe Ordered by the Hon^{ble} the Lieu^{t} Govern^{r} and Councill to give you notice heereof That in case

you thinke fitt you may appoint some of your Province to be present and joyne with them in doeing of the same

By order of the Hon^ble the Lieu^t Govern^r and Councill

Tho Davis Sec'ry

[*Reply of Massachusetts Government to Action of New Hampshire*, 1693.]

[Mass. Arch., Vol. 3. p. 479, and N. H. Mss. Prov. Boundaries, p. 13.]

Gent^n Upon reading this day at y^e Board yo^rs of Oct^r past, Signed Tho: Davis Sec'ry (which came to hand during his Excy being from home) Imparting your appointm^t to have y^e Bounds of yo^r Province run on y^e fourteenth day of Novemb^r curr^t and nomination of Surveyers and Commission^rs for doing of y^e same, and that Notice thereof be given unto y^e Gov^r & Council here, that if they thinke fit they may appoint some ℔sons to be ℔sent and joyne therein. —

I am ordered by his Exc'y and Council to acquaint you, That so far as yo^r Proposal may have any Relation to the boundaries of this Province ascertained and Setled by their Maj^ties Royal Charter, they apprehend it had been first necessary to have advised them if anything seem doubtful unto you therein, That so meet persons might have been Commissionated by their Ma^ties Governm^ts of each Province to have discoursed that matter and Agreed of sutable methods & Season for goeing of bounds if need were; But yo^r Resolving and prefixing a time and y^t so near at hand without previous Consultation with the Goverment here, cannot admit of any from hence at present to attend such a motion, Especially considering that y^e General Assembly are to convene on the morrow

By order of his Ex^cy the Governor and Council

I: A. Sec'ry

Boston November 7^th 1693

[*New Hampshire Committee Appointed to Run Line*, 1695.]

[Mass. Archives, Vol. 3. p. 508.]

Att a Councile held Att Hampton October 30th 1695

Present

The Lieutt Governr

Robt Elliott Peter Coffin Henn'y Green	Esqrs	Nathll Wear Wm Vaughan Richd Waldron	Esqrs

Whereas there was a Petition from Severall of the Inhabitants of Hampton Read att this Board relating to the running of the Line between the Province of the Massachusetts Bay & Province New Hampshr Itt is Ordered thatt Joseph Smith, Henry Dow & Jno Stanyan Be apointed a Comittee to Joyne with Such Persons as Shall be Chosen by the Massachusetts Goverm^t^ for Runing of the line between the two Provinces on or before the fourth day of Decembr next at Such a day & time as thay of Boston shall Apoint, and in Case the Goverment of Boston shall not Send Persons to Joyne wth those apointed here then wthout farther ordr the sd Joseph Smith: Hen'ry: Dow Samll Dow. James Philbricke, Moses Swett & Nathlt Wear Esqrs or the Majr part are to Run the Line themselves on the Fourth day of December next and that Notice be given from this Board of the Same to the Lift Governr & Councile att Boston

vera copia Attest Wm Redford : D Secr'y

[*New Hampshire to Massachusetts, about Running Line*, 1695.]

[Mass. Archives, Vol. 3, p. 507.]

New Castle Novembr 18th 1695

Honble Srs There having been Severall complaints, and are Still encreasing in this Province, for want of Running the Dividing Line between the two Goverm^tts^ that Sundrey inhabitants Dwelling in Hampton neer to the Towne of Salesbury & so for want of the certain bounds being knowne they Escape Either doeing any duty or Service or payeing of Rates in Hampton or Salsbury besides many other Inconveniencies; the Honble the Lieutt Governr & Councile of

this his Majest^{s} Province of New Hampsh^{r} have ordered me to Signifie to yo^{r} Hon^{rs} thay have apointed a Comittee here to Joyn wth those yo^{r} Hon^{rs} Shall think meett, to Run the Bounds between the Massachusetts & this Province by the fourth of Decemb^{r} next followeing, as more fully may be knowne by the Minitts Inclosed; and Desire yo^{r} Hon^{rs} would be pleased to write this Goverm^{t} what you are Resolved to doe in this Affaire:

By ord^{r} of the Lieu^{tt} Govern^{r} and Councile:

W^{m} Redford D Secry^{t}

[*Letter from Lieut. Gov. Usher.*]

[Mass. Archives, Vol. 3, p. 508.]

May please yo^{r} Hon^{r} Boston 27th May: 169 [torn]

not knowing when I may goe to province New Hampshire however y^{tt} the matter of so great momentt may not be delayed or frustrated — have writt to the Councill According to Enclosed, which If you see cause may forward but If yo^{r} Hon^{r} doe judge y^{tt} itt may be for his Maj^{ties} Service, safety & Quiett of his maj^{ties} subjects, in these his Maj^{ties} Territorys of my personal presence being their

For his Maj^{ties} Service & the Good of my Country shall now & att all times, be redy to promote & Serve the same, which upon Notification from yo^{r} Honno^{r} shall be complyed with by,

yo^{r} Hon^{rs} Humble servant

John Usher.

[*Reply of Massachusetts to Action of New Hampshire*, 1695.]

[Mass. Archives, Vol. 3, p. 509.]

Hon^{ble} S^{rs} Yo^{rs} with y^{e} minute of Council inclosed of y^{e} 30th of Oct^{o} past For the ordering and appointing a Comittee of some persons belonging to yo^{r} province to joyn with such as should be chosen by this Governm^{t} for runing of the Line betwixt the two Province's came not to hand until yesterday, when the time assigned by your Selves, being the ffourth of the next month is drawn very neer: you must certainly imagine it to be a matter of little Import that Seven

or Eight days notice should be thought sufficient to appoint sutable persons and duely to provide for such perambulation ; It seems necessary previous thereto that Comm^rs Instructed by the respective Governm^ts should meet together and concert the place where to begin, that so Artists may be set upon the line to carry the same thrô. Besides we cannot but observe to you that we thinke the persons nominated by yo^r Selves may not be so indiffirent, being all (if we are not misinformed) dwellers at Hampton, yo^r next Town bordering on the line of this Province ; And whither it might not be advisable that the small inconveniencies hinted in yo^rs (which may be equal to this Provvince) be suffered for a short time further, and the trouble and charge necessarily arising by a perambulation be Spared ; until it be known whither there will be Occasion for the same or not ; which probably will be by the next Ship that shall arrive from London./

By Command of the Hon^ble the Lieu^t Gov^r and Council
Boston. 26° Nov^r 1695. I: A: Secry

[*Orders to Committee to run the Line*, 1696.]

[Mss. Prov. Boundaries, p. 12.]

Whereas there was an ord^r in Councill on y^e 30^th^ Octob^r 1695 Thatt Nathanaell Waer Esq^r Joseph Smith Henery Dow Sam^ll^ Dow James philbroock & Moses Swett all of Hampton to be a Comitte for Runing of the Line betwene the province Masathusets Bay & province New Hampshire refference to S^d^ ord^r being had & by reason of difficulty as to y^e wether the Same hath nott ben done.

SEAL.

These are therefore in his Majtys Name to require the S^d^ Waer : Smith Henery Dow & Samu^ll^ Dow James philbroock Moses Swett them or the Major partt of them w^th^ others they Shall judge necessary to Assist them to run y^e S^d^ Line att or before the 20th of May nextt ensueing & thatt when the Line is run to make return of theire Soe doeing w^th^ a Map of the same into y^e Secretarys office for w^ch^ this shall be theire warrantt given und^r my hand & Seale att Armes Hampton this 8^th^ Aprill 1696

John Usher L^t^ Govern^r
& Comand^r in cheife

[*N. H. Committee Appointed*, 1705.]

[Mss. Prov. Boundaries, p. 11.]

The: Asembly haveinge perused the Letter ffrom the Generall Asembley of the Mathasuets (now befor them) relatinge To the runing: the Line bettwen the Provinces and Considering the Season of the yeare the Danger of the Enimy The Charge that it may amount to Doe offer that Majore Joseph Smith Cap^{t} Henry Dow: M^{r} Jeames Philbruck Be A Commitey to Joyne with those of the Mathathusets Apoynted as A Commitey And for the reasons Afore said to rune The Line ffrom the Sea to the Extent of Hamton and Kingstowen: boundes: and Mack A report of the same to his Exelencey Counsaiell and representives of this Province how thay ffinde the Same In order to A further Conformation Thear of:

past by the Howse

Decem^{r} y^{e} 18th 1705 p^{r} Sam^{ll} Keais: Clark

[*Massachusetts Committee Ordered to Meet*, 1708.]

[Mass. Archives, Vol. 3, p. 535.]

15° June 1708./. In Council. —

Whereas at the Session of this Court in Octob^{r} 1705 Col^{o} Thomas Noyes with other Gent^{n} were appointed a Committee on the part of this Governm^{t} to Joine with a Committee of the Province of New Hampshire to run the Line between the two Provinces; And the Pressure of the War with other difficulties Co-incident rendring it hazardous at this Juncture to be put in practice.—

For the present Ease of Her Ma^{tys} Subjects, whose Situation makes it disputable to which of the Provinces they belong.—

Ordered That Col^{o} Noyes Notify the Gentlemen of this Governm^{t} joyned with him for that Affair, to meet the Committee of the other Governm^{t} at such time and place as the said Col^{o} Noyes shall appoint, and upon Consideration as near as they can Judge, of the Distance of the Familys in dispute from the brinke of the River, to Propose to which of the Provinces they thinke it reasonable they be assessed towards the Publick Taxes and do Service during the present War; That they be not Oppressed by a Demand upon them from both the Governm^{ts}, And make Report thereof to the Respective Governm^{ts}

That they may Consider of a Temporary Settlement until the Line can be duly run and fully Established.—

Sent down for concurrance. Is[a] Addington Sec'ry

In the House of Representatives, June 16: 1708 Read

June 17: Read & Concurr'd. Thomas Oliver Speaker

[*Thomas Noyes to Secretary Isaac Addington, Proceedings at Massachusetts Convention,* 1709.]

[Mass. Archives, Vol. 3, p. 536.]

Newbury y[e] 6: of January 1709

Honored sir

I received An order for Runing the line with the Provinc of Newhamshier a first A second & A third, as to the first I gave your Honour An account, wich wase received at your board as I was Informed, as for the second order which was to make A protempary settlement which acordingly I attended and in order thereunto I sent to the gentlemen belonging to the province of Newhamshier opointed for that service to meete with those of this province, and we all met at the House of Henry Ambros: which is neer the line, and discoursed concerning A protempary settelment, and the men of this province profered the gentelmen of the other province to devide the Houses in Contriverse Equaly boath for number of men and Estate, but the gentlemen of the other province refused it, we spent A great part of the day in pursuading of them but could attaine it, and we profered them one man more than half but still they refused and wold do nothing except we wold setle the line according to their former runing of the line when none of this province wase with them, which we Could not Consent to, and except their minds be altared I have no hopes of doing anithing in that afaier. I am

your Humble servant

Thomas Noyes

[*Appointment of N. H. Commissioners,* 1719.]

[Mss. Prov. Boundaries, p. 8.]

PROVINCE OF NEW HAMPSH[re] } By The Honourable JOHN WENTWORTH ESQ[r] Leiu[t] Gov[r] In and over HIS MAJESTIES PROVINCE of N HAMP[r] aforesaid.—

SEAL. To Samuel Penhallow Mark Hunking George Jaffry and Rich[d] Wibird Esq[r], Cap[t] Josh[a] Peirce, and James Davis & Peter Wear Esq[r], and Cap[t] James Jeffrey Survey[r] &c —

GREETING.

WHEREAS The General Assembly have voted a Settlement of the boundaries of This Province, and particularly The divisional or partition line between This and The Mass[a] Goverment, and a Committe for That purpose; Requesting That a Commission und[r] The province Seal might be made out, impowering The Said Committe to Act in The premises.—

{BY VIRTUE of The power and Authority in and by His Maj[ties] Royal Commission To me granted To be Leiu[t] Gov[r] &c} I Do by These presents, {reposing much trust and Confidence in your loyalty Skill and ability,} Constitute and Appoint you The Said Samuel Penhallow Mark Hunking Geo: Jaffry & Rich[d] Wibird Esq[rs] and Cap[t] Josh[a] Peirce, and James Davis and Peter Wear Esq[rs] and Cap[t] James Jeffrey To be Commissioners for running and Settling The S[d] boundaries of The Prov: of N Hamp[r] aforesaid; hereby giving and granting unto you full power and Authority to Act in That affair; and more particularly you are hereby impowered and Authorized To meet w[th] y[e] Commissioners, appointed and Commissionated by The Mass[a] Goverm[t], and with Them To Conferr in and about The premises, and also to agree determine and resolve upon The afores[d] divisional or partition line; and any other divisional or partition lines, That are between The aforesaid Two provinces; (provided you Act according To y[e] Instructions herewith given you,) IN TESTIMONY whereof, I have Caused The Seal of The Province To be hereunto affixed, The Seventh day of December, in The Sixth year of His Maj[ty] King George's reign over Great Brittain &c Annoq — Dom 1719 —

By The Hon[ble] The L[t] Gov[rs] J. Wentworth

Command with Advice of the Councill —

Rich[d] Waldron Cler Con

[*Instructions to N. H. Commissioners*, 1719.]

[Mss. Prov. Boundaries, p. 15.]

Pro: N Hamp[r] To Sam Penhallow Mark Hunking Geo Jaffry Rich[d] Wibird Esq[r] M[r] Josh[a] Peirce James Davis & Peter wear Esq[r] & To Cap[t] James Jeffry Survey[r] & Joyned with y[e] Committee

Pursuant to y[e] direction of The Right Hon[ble] the Lords Com[rs] of Trade and Plantations for Settling The boundaries of This His Majesty Province of N Hamp[r] & more particularly for runing The divisional line between This & His Majesties province of the Mass[a] which is To be reported home To The Said Lords of Trade &c

you being appointed a Committee by The Gen[l] Assem[y] of The S[d]

prov : of N Hamp^{r} for Transacting The Said affair will herewith receive a Commission Impowering you To Act in The ℔mises — And

1 you are To repair To Newbury on Wednesday the ninth Instant in ord^{r} to meet y^{e} Commission^{rs} of the Mass^{a} province That are appointed & Commissionated by That Goverm^{t} To Settle The aforesaid Divisional line between The Two Provinces, & you are To Conferr wth The S^{d} Com^{rs} ab^{t} runing & determining The Said line & if you Agree with them in fixing y^{e} Place where to begin the West Line you are to Joyne with them and make Report Accordingly —

But if you Dont Agree thereon You are to Run y^{e} West Line without them as you Judge most Agreeable to his Majesty's Commission & y^{e} Royall Charter —

2 you are To Sett your Compass on y^{e} north Side of Merrimack river at y^{e} Mouth of it at highwater Mark & run 3 miles upon a north line & from y^{e} end of The Said 3 Miles you Shall run upon a west line into y^{e} Country Till you meet y^{e} Great River w^{ch} runs out of Winnipishokey pond —

3 you are hereby Impowered To appoint The Time when To Run y^{e} line between N Hamp^{r} & prov : of Main provided it be within a Sixweek from y^{e} date hereof

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[*New Hampshire Protests against Delay*, 1719.]

[Mass. Archives, Vol. 3, p. 536.]

Portsmouth Dec^{r} 9th 1719

Sir, I am again directed by His Hon^{r} The Leiu^{t} Gov^{r} to advise you, That This Goverment would be very glad, That The Settling The divisional line between New-Hamp^{r} and Mass^{a} might be suspended, Till The time appointed by your Goverment ; but having Strict orders from the Right Honourable the Lords Commissioners for trade and plantations, to run The Said line forthwith and report it home ; The Honourable The Leiu^{t} Gov^{r} and Councill do apprehend, That The affair cannot (without danger of Missing This Season) be putt of longer Than To Thursday next, which will be the 17th Instant, at w^{ch} Time y^{e} Commissioners of N Hamp^{r} will attend That busyness at Newbury, and hope y^{e} Commission^{rs} on your part will not fail. I am Sir

Your most humble Serv^{t}

M^{r} Secret^{y} Willard Rich^{d} Waldron Cler Con

[*Massachusetts Commissioners on Boundary Line Appointed*, 1719.]

[Mass. Archives, Vol. 3, p. 232.]

Commission to Addington Davenport Esq^r^ &c Commissioners to run the Boundary line between this Province and New Hampshire.

SAMUEL SHUTE Esq^r^ Captain General and Governour in Chief in and over the Provinces of the Massachusetts Bay and New Hampshire in New England &c.

To Addington Davenport Thomas Fitch Elisha Cooke and William Dudley Esq^rs^ and Captain John Gardiner Greeting —

WHEREAS for Divers years last past there has been a Difference between this Government and the Governm^t^ of New Hampshire relating to the bounds between them To the Disturbance of many Inhabitants Dwelling near the said bounds And Whereas the said Government of New Hampshire have Declared themselves ready and willing to Joyn with us in setling and Adjusting the Divisional line between the two Provinces And have for that End chosen & appointed Commissioners to Treat and Conclude with Commissioners to be appointed on the part of this Government Concerning the bounds and Limits of the said Province

TRUSTING therefore in Your prudence and Fidelity I do by & with the Advice & Consent of the Council and Assembly of this Province, hereby Authorize and fully Impower you the said Addington Davenport Thomas Fitch Elisha Cooke William Dudley and John Gardiner Commissioners in behalf of this Government (any three of you to be a Quorum) to Treat with the Commissioners of the Province of New Hampshire afores^d^ upon the matters aforerecited — And with them to sign seal Confirm and perfect a full and Compleat Agreement referring to the said Divisional line And to Determine and secure particular rights and propertys of Land bordering thereupon, having recourse to such Directions and Instructions as you shall receive from me with the Advice of His Majesty's Council for the further Governing your selves in this Affair: And the Conclusions and Agreem^ts^ so perfected and signed and sealed by your selves with the Commissioners from New Hampshire aforesaid you shall lay before the General Assembly for their Confirmation IN TESTIMONY whereof I have signed these presents and Caused the Publick seal of the Province of the Massachusetts Bay aforesaid to be hereunto affixed Dated at Boston the Nineteenth day of December in the sixth year of His Majesties Reign Annoq Domini 1719 —

Sam^ll^ Shute

By His Excellencys Command with the Advice of the Council. —
J Willard Sec'ry

Examined ℔ J Willard Sec'ry

[*Instructions to Massachusetts Commissioners*, 1719.]

[Mass. Archives, Vol. 3, p. 134.]

Instructions to Addington Davenport Esq^{r} &c Commissioners appointed by this Government to Treat with the Commissioners of New Hampshire Government about running and setling the Divisional line between the two provinces —

By His Excellency the Governour

Gent Besides the Publick Commission Impowering you to treat with the Commissioners of New Hampshire for setling the Line between this Government & that, Copys of Our Publick Records of the several Transactions relating to this Affair, which you have with you will furnish you with such pleas and Arguments as may strengthen you in asserting our rights, and hinder as much as may be their encroaching upon us. By them you will find, That a Committee was appointed Anno 1638 by the Magistrates of Ipswich to lay out the Line three Miles Northward of the most Northerly part of Merrymack. It was then Apprehended both by the Massachusetts and Piscataqua Inhabitants that an East Line drawn from thence would take Piscataqua River within the Massachusetts Patent — Whereupon Letters in March 1638/9 were sent by an Express to sundry Gentlemen at Piscataqua about it; You will also find, That the Inhabitants there being Destitute of Order and Government Divers times Petitioned to this Court to be received under their Rule and protection That the Major part of the Purchasers and Owners of the two Patents made to M^{r} Edward Hilton &c, which we suppose were Prior to M^{r} Masons Patent and by vertue whereof the first Piscataqua settlements were made did the 14th June 1641 in behalf of themselves and their Partners under their hands in Court here Surrender both Patents to the Massachusetts, and Notice was Given to the People there of such Surrender; from which time they sent their Deputies to the General Court at Boston, & Continued with us, as one Body for about forty years. And several of the Owners of s^{d} Patents as M^{r} Hilton &c were Commissionated by the Authority here Anno 1642 to Act in Government there You will find likewise, That their Towns, Winaconet, now called Hampton, Exeter, Dover, Strawberry Bank, As also our own Town Cochechiwack first Called Colchester and now Salisbury were allowed by our General Court to be Towns, and their Bounds not setled till after their submission and Union with this Government whereof their Deputy's

were a part. It's also to be remembered in Our Favour, That to the support and Assistance which we have yielded them in time of War at so great Expence (and without w^ch^ they had probably been swallowed up) is owing in a great Measure their flourishing Condition at this day. Upon all which considerations you May Justly Insist That our Several Towns lying on the North side of Merrimack River should still remain to this Government according to the bounds setled by the General Court, altho in some places they should run somewhat further than three Miles Northward from the River; and that particular Persons to whom Grants of Lands have been made shall retain the property of their Grants without any Allowance or Equivalent to be made therefor, since those Bounds were setled and those Grants made when we were all but one Government; and so it becomes their Act & Deed as well as ours; which ought therefore in reason to be binding to them: Which if it cannot be obtained you may Consent to some reasonable Equivalent. And it will be well That each Town bordering on them should supply you with Authentick Copies of their bounds, as setled and Confirmed by the General Court: The above is what offers as to the Southerly line between us and them

As to their Westerly Line M^r^ Allens Commission do's no way determine it, since it runs to Govern from three Miles Northward of Merrimack River to the province of Mayne without Giving any Western bounds into the Land Therefore that their Extent Westward may be known, It will be Incumbent on them to produce some other patent that Ascertains it. To which end if they offer the two Patents of Dover & Quamscot Granted to M^r^ Edward Hilton &c. It will Manifestly place the Advantage on Our side since those patents have been Resigned and Given up to us.—

It will be best at your first meeting to Discover what you can of their pretensions without making any Concessions on our part till you have Informed your selves of the utmost Concessions That they are Allowed to make on the part of that Government; which when you have Gained you may then proceed finally to Conclude and settle a Divisional Line between the two Governments, so as may no ways Infringe upon the Bounds Granted to this Government in the Royal Charter. Given under my hand at Boston the Nineteenth day of December in the Sixth year of His Majesty's Reign Annoq Domini 1719—

Sam^ll^ Shute

By His Excellencys Command J Willard Sec'ry

Examined J Willard Sec'ry

[*New Hampshire Expenses*, 1720.]

[Mss. Province Boundaries, p. 17.]

Province Dr Towards Settling the Line Between the two Governts And In Negotiating the Affairs wth ye Indians

1719			
Decbr 21	To Entertaining the Boston Commissioners at their Going Eastward —	3.. 9..—	
	To Expence of the Comittee at Newbury —	12..18.. 6	
	To 5 days of Geo : Jaffrys Collo Hunking Capt Wibird Capt Joshua Peirce Esqrs & Samll Penhallow & James Jeffry at 10/	15..—..—	
		———	31.. 7.. 6
	To Collo Wear 2 days —	1..—..—	
	To Edwd Pendexter himself & horss 5 days —	1..10..—	
	To ¼ part of fifty four pounds of Stores &c for Capt Westbrook in Going Eastward wth ye Comisrs	13..10..—	
	To Expence on ye Boston Commissioners at yr return	2..16.. 2	
	To Capt Westbrook twenty days for his troble in Going Eastward at 10/ ℔ day	10..—..—	
		———	28..16.. 2
Janr 1720	To Cash pd James Jeffry as by his receipts	29..—..—	
	To Coll : Davis on dito acctt—	13..—..—	
	To Capt Westbrooks Perticuler Expences as by his account —	4.. 5..10	
Aprll 20th	To Coll : Hunking Coll : Packer & my Self 2 days Each abt the New Town Line	3..—..—	
	To Coll : Daviss & Capt Tibbetts one day	1..—..—	
	To Expences at Same time —	1.. 9..—	51..14..10
	Aprll 26, 1720.		£111..18.. 6
Errrs Excepted		℔ Samll Penhallow.	

[*Letter to Jeremiah Dummer*, 1720.]

[Mss. Corr., Vol. 1, p. 39.]

July 20, 1720.

S^r^ It's probable that long 'ere Now y^u^ have heard the debate that has hapned, between this and the Massathusets Province, abt the Dividing line; and having had so large Experience of your favour in serving us doe think it Incumbent of making all suitable returns of recept and gratitude and should Esteem you the most Suitable person of making our application to, were it not that you are so imediately interested in the other Province Wherefore, Wee thought Meet to acquaint you, that wee have now writt M^r^ Newman to solicite our affair, and to lay a representation thereof, before the Lords of Trade &c

Our L^t^ Gov^r^ very heartily Salutes you and so doe all our Gent^n^ — more particlarly S^r^

Yo^r^ most humble and Most Obed^t^ Serv^ts^

Joshua Peirce — Sam^ll^ Penhallow

Henry Sherborn — Geo: Jaffreys

Jer: Dummer Esq^r^

[*Rough Draft of Letter to Agent in London*, 1720.]

[Mss. Corr., Vol. 1, p. 37.]

New Hampsh^r^ July 20, 1720.

S^r^ The affairs of our Province requiring the assistance of Some Gent^n^ att home Our Generall Assembly at their session in May last made choice of you for their Agent, and as testimony of their resp^ts^ and your Encouragem^t^ therein did vote you y^e^ Sum of £100..00..00.. this money w^ch^ we presume his Excellency has advised you off, and to know how you would have y^e^ Same remitted.

The matters of Importance w^ch^ wee now send you, to lay before his Maj^y^ and y^e^ Ld^s^ of trade &c are as follows Viz^t^

That y^e^ Dividing line bee fixt between this Province and the Massathusets; a plan of which is here inclosed.

The line on y^e^ south side of our Province wee account a West line three miles North from y^e^ Entrance of Merrymack River att y^e^ Atlantick or Western Sea, and runs westward as wee conceive as far as y^e^ Massathusets Colony

The line on y^e^ Northerly Side against y^e^ Province of Maine, being a Northwestward line from y^e^ furthest head of Newewanock River, w^ch^ wee suppose y^e^ Salt River A dispute hereupon will arise about y^e^ Point whither North a little West, or North west; there being 4 points difference —

Mem^o^ this paragraph is reserved to be sent att the Gov^rs^ next coming.

that a representation bee made of y^e^ Embezzlem^t^ of the Kings Stores which Col Vaughan made while L^t^ Governour, who in y^e^ space of Nine Months Consumd thirty seaven bbs; the Copy of whose acc^tt^ is herewith sent you; which consumption is by 30 bbs more than was ever practicable in any gov^r^-nours time before; Now as he had a Comission from y^e^ King, he thinks himself beyond y^e^ reach of any here of calling him to an acc^tt^ neither had his Excellency been inclinable to intermeddle Wherefore wee pray that a Speciall order may be obtained for his answering and refunding y^e^ same here, or y^e^ value thereof, as the price curr^tt^ then and now is, Viz^t^ at 10^l^ ℔ barr^ll^, In all amounting to, three hundred pounds; which otherwise will not only bee a reall damage to y^e^ Province, but an ill president unto such hereafter as may succeed.

3. That in as much as his Majesty has been pleasd to forbid powder to bee payd by any Merch^t^ men, belonging to Great Brittaine, which supplyed y^e^ Usuall Expence of our Castle that the Matter bee layd before y^e^ board of Ordnance for his Majts Royall bounty therein.

4. That from time you will diligently inspect into all maner of Complts that may bee Layd agst y^e^ Interest of this Governm^t^ and Province, particularly agst his Excellency, the L^t^ Gov^r^ and Councill; for althô Col Vaughan was crampt in his late projections, wee are well assured that he is in y^e^ Boston Cabinett, who have involved the whole country into a very strange Convulsion the acc^tt^ whereof, you have undoubtedly had from thence.

5. That the duty on Lumber, particularly that on boards, bee entirely cutt off, which will very much propagate the trading of all New Engld.

6. That You renew Our application to their Lordships of the unreasonableness of M^r^ Bridgers prohibiting y^e^ cutting or felling any sort of timber, above such & such dimentions as Mentioned in the Act unless that he first Surveys and marks such as are fitt for y^e^ Royall Navy whereupon wee are not only denyed the benefit of timber for our Necessary Uses, but y^e^ building of vessells So Materially requisite for making returns to Great Brittaine; But that our Sawmills wilbe overthrown, altho thousands of trees lye perishing in y^e^ woods, which would bee no ways Serviceable to y^e^ Crown but greatly Detrimental unto some Hundreds of his Maj^tes^ good subjects here and of

overthrowing our traffique to y^e^ Sug^r^ Islands which in a circular way of trade produceth so great a Revenue Unto ye Crown

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[*Instructions to Agent Newman*, 1720.]

[Mss. Corr. Vol. 1, p. 33.]

Portsm^o^ N: Hamp^r^ N Eng^d^ July 22^d^ 1720

M^r^ Henry New Man

S^r^ The Affairs of this Goverment ffreequently Requiring the Sollicitations of Some Person at Court Our Generall Assembly In May Last made Choice of you to be their Agent for that End, and as an Earnest of their Respects & for Your Encouragement did then vote you one hundred pounds this Money which Presume his Excellency Gover^r^ Shute hes heretofore advised you off as alsoe the Lie^t^ Gover^r^ —

Here hes been A Long Dispute between this and the Massachusets Goverm^t^ about the Divideing Line and Severall Comissioners have Sund^r^ times been appointed by both to Settle it but heitherto Could never be Effected by them which Proves Injurious to many Persons that Inhabit on or near the Line who have ben Oblidged to pay Taxes to both Goverments wherefore that it may be finally Issued & those Greviances Redressed Since the Goverm^ts^ here Can't doe it them Selves that matter is now to be Submitted to his Majesty in Council or Lords Commissioners of Trade & Plaintations & In Order Thereto you have herewith A Comission from this Goverment to Impower you our Agent and accordingly you are Desired to Lay the affair before them as may be Proper so Soon as Conveniently may be & that there May be a Right Apprehention of the Matter You have herewith a Mapp or Draught which you may Depend is very Exact & Correct

The Extent of this Prov^e^ is all the Land between the Massachusetts & Prov^e^ of Main our South Bounds is three miles North from the Mouth of Merrimack River at the Atlantick Ociian or Western Sea & from thence a West Line in to the main Land So far as the Massachusetts Extends Our North Line or Bound is Piscataqua River untill it come to the head of Nichewannick River & from thence A very few Degrees westward of the North up into the main Land as on the Southern Line Which bounds are prick out on the Mapp & Wee Concieve agreeable to the Royall Charter Granted to Massachusetts but the Comissioners of that Goverment have allway

Insisted on other Lines as are alsoe marked out on the Draught which if Granted to them would Render this Prov^e a very Little one indeed —

Whereas his Majesty hes Lately Prohibited Any Imposition of Impost or Powder Money On the Merch^t Shipps Trading here belonging To great brittain which formerly Supplyd the Usuall Expence of Powder of our Castle & the Stock being now very Low you are Desired to Lay that Matter before the proper board In Order to obtain the Royall bounty therein & you are to be Vigelent in Deligently Enquiring into all Compl^ts that may made ags^t this Present Goverment & in Pursueing Every thing that may be promoted for the Generall benefit of this Plantation Especially that the Lumb^r from hence may be Imported into great Brittain free of Duty & the Bounty Continue'd On navall Stores that the forging of Iron here may not be Obstructed but Encouraged & that Some better Encoragem^t may be granted for Raising hemp & flax which if Pursue'd this Country might in a Little Time furnish the Crown with A Considerable Supply That the Surveyer Generall of the Woods may be Directed to preserve the Mast Trees after A better maner & not Suffered to obstruct his Majesties Subjects from getting such Timber from thence as is not nor never will be fitt for the service of the Crown of which there are multitudes of Trees that Are Rotting on the ground that might make good Lumber fitt for the London & West India Marketts by the Latter of Which a Considerable Revennue arriseth to the Crown Wee Desire you will acquint us from time to time of your proceeding in the Premisses & Salute you with Great Respect as a Comittee of this Goverment & Are S^r

Your Very Humble Serv^ts

[*Letter to Lt. Gov. Wentworth about Disputed Taxes*, 1720.]

[Mss. Prov. Boundaries, p. 20.]

Boston November 28^th^ 1720.

Sir./ I am directed by His Excellency to inform you that there is a Complaint made to the General Assembly of this Province by the Select men of Salisbury of the Hardships they are under by Distraints of your Officers upon the People living near the line ; which Complaint is supported by the enclosed Testimonies ; His Excellency is extreamly Displeased That after the orders given by this Government to the Town of Salisbury of Levying no Tax upon their Inhab-

itants near the Borders your Officers should take such violent Measures, And expects that the Government of New-Hampshire give immediate Orders that a restitution be made of what has bin distrained from the People living near the Line w^ch^ if they neglect to do, He will recall y^e^ directions he has given to the Officers of Salisbury to forbear Taxing the Borderers, And thinks your Government will be Answerable for the Consequences of these Proceedings : I am Your Hon^rs^ most obed^t^ humble Serv^t^

Josiah Willard

To y^e^ Hon^ble^ John Wentworth Esq^r^

[*Testimony of Eaton, Carr, Webster, and Greeley*, 1720.]

[Mss. Prov. Boundaries, p. 21.]

The Testimony of Ephraim Eaton who Saith y^t^ on y^e^ 28^th^ Day of Aprill 1720. M^r^ Nathan Longfellow Constable of Hampton demanded A province rate of me & I refuseing to pay him he seized my person for s^d^ rate & Carried me a Prisoner to Portsm^o^ & further this Dep^t^ testifieth y^t^ Ten Dayes after or there ab^ts^ y^e^ Aboves^d^ Constable Longfellow seized my Person by Violence & Conveyed me as far as Hampton for y^e^ same rate & I was force'd to Comply & pay y^e^ Rate & Charges to my great Damage rather then go to Prison & further saith not.

Essex ss. Nov^r^ y^e^ 17^th^ 1720, M^r^ Ephraim Eaton of Salisbury Appeared before me y^e^ Subscrib^r^ & made oath to y^e^ Truth of all Above written —

W^m^ Bradbury Just of y^e^ peace

A True Copy Exam^d^ ℔ J Willard Secr^y^

The Testimony of Sanders Carr who Saith y^t^ on y^e^ 28^th^ day of Aprill 1720, M^r^ Nathan Longfellow Constable of Hampton seized my Person for a Province rate w^ch^ he demanded & Carried me to Portsm^o^ a Prisoner for s^d^ Rate to my great Damage & further y^s^ Dep^t^ Testifieth y^t^ Ab^t^ Ten Days After or thereab^ts^ y^e^ Aboves^d^ Nathan Longfellow informed me y^t^ he as Constable had seized My Horse for Rates & I was forced to redeem my Horse w^th^ money to my great Damage & further Saith not.

Essex ss. M^r^ Sanders Carr of Salisbury Appeared before me y^e^ Subscrib^r^ & made oath to y^e^ Truth of all Abovewritten. Nov^r^ 17^th^ 1720.

W^m^ Bradbury just of y^e^ peace

A True Copy Exam^d^ ℔ J Willard Secr^y^

The Testimony of John Webster who Testifieth & saith y^e^ 10^th^ of May 1720 (or thereab^ts^) M^r^ Nathan Longfellow Constable of Hampton came to me & made demand of a Province rate I told him I had not money at y^e^ Present, his answer was y^t^ he would not go w^thout^ it he went directly to my Pasture & Seized my Horse & carried him away & I was forced to redeem my Horse w^th^ money to my great Damage

Essex ss Nov^r^ 17^th^ 1720. M^r^ John Webster of Salisbury Appeared before me y^e^ Subscrib^r^ & made oath to y^e^ Truth Above written

W^m^ Bradbury Just of y^e^ Peace

A True Copy Exam^d^ ℔ J Willard Secr^y^

The Testimony of Andrew Grele Jun^r^ who testifieth & saith y^t^ ab^t^ y^e^ first of June last (1720,) M^r^ Nathan Longfellow Constable of Hampton came to my House & Seized my Horse as he s^d^ for rates & conveyed him away & Never gave me any Acco^t^ what he did w^th^ Him w^ch^ was greatly to my Damage

Essex ss. Nov^r^ 17^th^ 1720. M^r^ Andrew Grele of Salisbury personally Appeared before me y^e^ Subscrib^r^ & made oath to y^e^ Truth of all Above written

W^m^ Bradbury Justice of the Peace

A True Copy Examined ℔ J Willard Secr^y^

[*Reply to Gov. Shute about Disputed Taxes*, 1720.]

[Mss. Province Boundaries, p. 18.]

May it please yo^r^ Excellency

His Honour the Leiu^t^ Gov^r^ has ordered me To acquaint your Excellency, that he has inquired into The misunderstanding, which lately happened between the Hampton Constable, and Ephraim Eaton, Sander Carr, John Webster, and Andrew Grele, dwellers near the Partition line of the two Provinces, and that (notwithstanding The Several affidavits of those men, taken before M^r^ Justice Bradbury the 17^th^ of Novemb^r^ last Copys of which came inclosed To him in a letter from M^r^ Secretary Willard dated 9^br^ 28 1720 by your Excellency's direction) He cannot perceive there was any Just grounds of Complaint, for that those men have been taxed and paid rates in this prov : no less than fifteen years last past, and two of them (viz^t^) Sanders Carr, and John Webster have taken of this province money upon Interest, as Inhabitants within the Same, and here mortgaged their Estates for Security : and further There are Several persons that live

more Southwardly and nearer the borders than the Complanants, who have paid taxes in this Goverment for Severall years past without contradiction which will appear by affidavits herein inclosed as also by the original list of Rates at Hampt^o^ for y^e^ year 1705 which Shows in y^e^ Second & fourth page that Sanders Carr and Andrew Greely were taxed and paid in that year within this prov:

I am yo^r^ Excellencys Most obed^t^ humble Servant

Dec^r^ 9^th^ 1720 Rich^d^ Waldron Cler Con

[*Fragment of Letter to Agent Newman, May* 4, 1722.]

[Mss. Corr., Vol. 1, p. 43.]

M^r^ Newman

Sir I am Commanded by His Excellency The Gov^r^ and The Hon^ble^ The Council to Represent to you their Sense of that paragraph in the Mass^a^ Charter on which the determination of the Divisional line between this and the Mass^a^ Goverm^t^ depends The words are as follow "All that part of New England in America lying and Ex- "tending from the great River commonly called Monamack alias Mer- "rimack on the north part, and from three Miles norward of The Said "River &c —

It is The last words of the paragraph which want Explanation viz^t^ and from three Miles norward of the Said river which His Excellency and the board Understand to Intend that from the mouth of Said Merrimack River Shall be measured Three Miles directly north and from the end of the S^d^ three miles to Run a West line to the western Ocean and that to be the dividing line between y^e^ two provinces and that if it be otherwise as the Mass^a^ would have it that the Said line Shall run paralell to the River This The Kings prov: of N Hamp^r^ must necessaryly be contracted within exceeding narrow limmitts The S^d^ River a little above our towns Runing a great length on a north Course and to y^e^ castward of north and for the most part northerly which They desire you to lay before The Right Honourable the Lords of trade and plantations which they Think Sufficient w^th^out any papers to be Sent from hence

[*Vote about Instructions to Jeremiah Dummer, Agent for Massachusetts*, 1723.]

[Mass. Archives, Vol. 5, p. 4.]

At A Great and General Court or assembly for His Majesties Province of the Massachusetts Bay in New England held at Boston the 23d octor 1723.

In the House of Representatives Decemr 24th 1723.

Voted that the Instructions sent to Mr Agent Dummer from this Court the 16th July and 23d of august 1720, Referring to the Line between this Government and the Government of New Hampshire be given as Instructions to the joint Agents of the Province that they use the same with the Several Copies and Draft of Merrimack River therein referred to according to their best Discretion for the settling and fixing the Line between us and the Goverm[t] of New Hampshire.

Sent up for Concurrence — John Clarke Speaker

In Council, Decem. 25th 1723.
Read and Concurred — J Willard sec'ry
Consented to. — Wm Dummer.
Examined — J Willard Sec'ry
Copy

[*N. H. Vote for Address to King*, 1726.]

[Mss. Prov. Boundaries, p. 23.]

In Coun[l] April 29 : 1726 —

Whereas the boundary Lines of this Province have bin Long Depending and not yet Settled which is very much to the Damage of this His Majesty's Goverm[t] espetially in as much as the Goverm[t] of the Massachusets have Lately Disposed of and Lay'd considerable Quantitys of Land which is Supposed to be much within the bounds of this Prov : and are about Granting more of sd Lands which is a great Grevance &c —

Voted that there be an Address Drawn up Setting forth ye sd Greivance Praying that it may be Redressd by a spedy Settlement of the Lines betwen this Province & the Massa and that ye Address be forwarded to Mr Agent Newman to be presented to the King and that

M^r^ Agent Newman have One hundred pounds this money sent him for the Same and other his Good Services —

Rich^d^ Waldron Cler : Con

apr 30 : 1726 In the house of Representatives
Read and nonconcurred nemine Contradicente

James Jeffry Cl^r^ Ass^m^

[*Vote for Instructions to Agent Newman*, 1726.]

[Mss. Prov. Boundaries, p. 24.]

In the House of Representatives April 30th 1726

Whereas the Bounderies of this Provence have bin Long depending and as yett unsettled, which is verry much to the Damage of this his Maj^ts^ Goverm^t^ Espessially in as much as the Goverm^t^ of the Massachusetts have lately dispos^d^ of and laid out Considerable Quantities of Land which is Reasonably supposed to be ferr within the Bounds of this provence, and are about Granting more of the s^d^ Lands, which is a verry grate greivance

Voted that Instructions be drawn up and sent to M^r^ Agent Newman to prosecute & Indavor a speedy settlem^t^ of the lines between this Goverm^t^ & that of the Mattechusetts boath in length & breadth in a more Certin manner then yett heath bin don and that m^r^ Agent Newman have one hundred pounds of this mony sent him to Enable him to prosecute the same, & for others his good services and that Cap^t^ William ffellows & m^r^ theoder Atkinson be a Committe of this house to Joyn w^th^ a Committe of the upper house to draw up Instructions to M^r^ Agent Newman Concerning it.

James Jeffry Cl^r^ Ass^m^

In Coun^l^ May 20

Read and Concurr'd & Geo: Jaffry & Rich^d^ Wibird Esq^rs^ appointed for y^e^ Service above

Rich^d^ Waldron Cler : Con

[*Mass. Boundary Line Commissioners Appointed*, 1726.]

[Mss. Corr., Vol. 1, p. 57.]

At a Great and Generall Court or Assembly of his Majestys Province of the Massachusetts Bay in New England Held May 25th 1726.

In Council: For Accommodating the Matters in difference between this Government and the Government of New Hampshire Respecting the Line between the Two Provinces

Ordered, That Commissioners be Chosen & Appointed by this Government to meet with Commissioners from the said Government of New Hampshire to Adjust & fully Issue the said Difference, Their Agreement thereon to be laid before the respective General Assemblies of the said Provinces for their Confirmation, And that uponsuch Confirmation of the said General Assemblies, His Majesty be Humbly Addressed by both Governments for his Royal Approbation.

In the House of Representatives

Read and Concur'd, and Ordered, that William Dudley Jonathan Remington Esq^{rs}, M^{r} Thomas Cushing, and Timothy Lindal Esq^{r}, with such as the Hon^{ble} Board shall appoint be the Commissioners to manage the Affair proposed in the within Vote.

In Council Read and Concur'd; And Nathaniel Byfield, Addington Davenport, & Thomas Fitch Esq^{rs} are Added to the Commissioners for the Affair aforesaid.

Consented to — W^{m} Dummer
Copy Examined ℔^{r} — J Willard Sec'ry

[*Henry Newman's Letter to Board of Trade*, 1726.]

[Mss. Prov. Boundaries, p. 25.]

To the Right Hono'ble the Lords Comm^{rs} of Trade & Plantations.

May it please Your Lordships,

I have just now receiv'd Letters from New Hampshire Complaining of the Encroachment of the Massachusets Province, by Selling, Granting and Laying out great Quantities of Land near the Center of the Province of New Hampshire, at a Place call'd Pennecook.

I have some time since lodged in the Council office, to be laid before His Majesty a Memorial requesting that the Boundaries of these Provinces may be settled, so as to prevent any future Disputes between their respective Governments, which I presume will be refer'd to your Lordships; but as that may require time to be consider'd, I humbly beg Your Lordships would be pleas'd, in the mean while to interpose Your Authority for securing His Majesty's Interest in the Province of New Hampshire, from any Detriment by the Grants

already made, and for suspending all Grants of Land on or near the Boundaries in dispute, till His Majesty's Pleasure therein shall be known.

I am with the greatest Respect, My Lords,
Your Lordships, most obedient humble Servant,
Middle Temple, Henry Newman
8th August, 1726.

[*Alured Popple to Henry Newman*, 1726.]

[Mass. Archives, Vol. 52, p. 319.]

Whitehall 30th Augt 1726.

Sir, I have laid the Order in Council of the 9th instant referring your Petition to my Lords Comissioners of Trade and Plantations about the Boundaries between New Hampshire and the Massachusetts Bay before their Lordships, who have commanded me to desire you will consult with the Agent of the Massachusets Bay, and let me know when you shall be ready to lay before their Lordships what you shall have to offer upon Your said Petition I am Sir

Your most humble Servant
Henry Newman Esqr Alured Popple

[*Extract of Letter from Jeremiah Dummer to Secretary Willard, Oct.* 10, 1726.]

[Mass. Archives, Vol. 52, p. 320.]

* * * * * * I observe in the Journall of the House of Representatives at their Last Sessions that a Comittee of both Houses was appointed to draw up Introductions for me relating to the Boundaries between Us & the Province of New Hamphire. I very much want them, because Mr Newman has preferr'd a Memorial on the same Subject to the King in Councill, which has been referred to the Board of Trade, And they have writ a Letter to Mr Newman to conferr with me upon it, Copies of all which papers are inclosed, I have had an Oppertunity of seeing Mr Newman since, tho' I declin'd making any Appointment 'till I receive my Instructions. I ask't

him what the pretenc'ons of New Hampshire are, his Memorial being drawn in such General Terms that one can understand nothing by it, he said that their Boundary on the side of the late Colony of the Massachuset was the middle of Merrymack River, which thô very Extraordinary doctrine, was not soe surprizeing, as to hear him say soon after that the true antient Boundary was Nahumkeag the Indian Name for Salem, and this Secret it seems he was let into by M^r^ Usher when he was in England last, So that M^r^ Mason's Title which New Hampshire has ever oppos'd 'till this Day, is now to be sett up & carried to an Extravagancy, which he himself never dream't of, as I casually mention'd that Our Charter was prior to Mason's Deed, it was answered that Mason derived from one Woolaston and that his Grant was prior to Ours I must take Notice to you that Six Years agoe I receiv'd some short Instructions about this affair with some papers from N° 1 to N° 7 and a Map. But there should be something of a Case stating Our Right with the Proofs that support it, and then the Objections with the proper Answ^rs^ ffor I can't at this distance have recourse to you when I am presst with any difficulties. As to the Papers, they are of no manner of use as not being attested under the Seal of the Province, And therefore will not be admitted to be read. This is a Rul'd Case, And out of all Dispute. Others of the papers are Extracts which for that reason will be refused, as S^r^ Ferdinando Gorge's Patent, & the Indian Sachem's. They must be sent over Entire & Authentick. There will without doubt be the greatest Councill (we have) retained on both sides, and they are always very strict and severe as to what papers they admit to be read. As I was looking over our Map this morning I observed that you have drawn the line of 3 miles to the Northward of Merrimack Strait, I fancy they'l insist to have that a Curve line parallell to the River. But this is only a thought of my own. * * * * * *

[*N. H. Vote in Reply to Mass. Vote*, 1726.]

[Mss. Prov. Boundaries, p. 26.]

Province of New Hampshire x^r^ the 1^st^ 1726 —

In the House of Representatives

Whereas a vote of y^e^ Great & Gen^ll^ Assembly of his Maj^tie^ Province of y^e^ Mass^a^ beareing date may 25^th^ 1726, to appoint Comiss^rs^ to meet with Comiss^rs^ from this Province to adjust the line in Dispute

Between the Provinces, has been laid before us — and a Debate had thereon —

In answer wee say That this Province haveing Severall Times by theire Comiss^{rs} met with Comiss^{rs} from s^{d} Province in order thereto, yet no setlement could be agreed upon, Wee haveing by our Agent laid before his Maj^{tie} in councill y^{e} Dispute About both lines, & his Maj^{tie} haveing referred it to a Committee of Lords to Consider thereof & make Report of their Opinion to his Maj^{tie} in Councill in Order to a finall Setlement of both the lines —

voted/ That for the above said Considerations wee think it not propper to Chuse any Comiss^{rs} the whole Matter being submitted to his Most Gracious Maj^{tie} —

James Jeffry Cl^{r} Ass^{m}

In Coun^{l} Eod die
Read and Concurred

Rich^{d} Waldron Cler: Con

[*Vote of Massachusetts Council*, 1728.]

[Mss. Prov. Boundaries, p. 19.]

Province of the Massachusets Bay.

At a Council Held at the Council Chamber in Boston upon Thursday the 13th of March 1728.

His Excellency having communicated to the Board a Vote of the Lieuten^{t} Govern^{r} & Council of the Province of New Hampshire (Pass'd the sixth of March Instant for Prohibiting the Inhabitants of that Province from Making any Settlements or Improvements on the Lands near the Dividing Line &c, Conformably to a Vote of this Board pass'd the twenty seventh of Febr^{y} last

Ordered that the Secretary send Copys of the two above recited Votes to His Majestys Justices of the Peace belonging to the Towns of Haverhill Salisbury & Amesbury with Directions That they take care That the said Votes be forthwith posted up in the most publick Places in the said Towns for the Information of the Inhabitants there, And that he likewise send Copys of the same to the Clerk of the Peace for the County of Essex to be laid before the Justices at their next General Sessions of the Peace for the said County

Copy Examined ❦ J Willard Sec'ry.

[*Mass. Commissioners Appointed*, 1729.]

[Mss. Prov. Boundaries, p. 44.]

On The Petition of Richard Saltonstall Esq^{r} Nath^{ll} Peasley James Ayer Ebenezer Eastman and Richard Hazen Jun^{r} for themselves and in Behalf of Sundry Others Principal Inhabitants And Propri^{rs} of the Town of Haverhill in the County of Essex. —

Praying That this Court would Appoint a Com^{tee} to Join with a Com^{tee} that may be Appointed by the Province of New Hampshire to Accommodate their Differences And Settle a Line Between the Provinces

In The House of Represent^{vs} April 10th 1729

Read and in Answer to this Petition and for Accommodating the Matters in difference between this Governm^{t} And the Governm^{t} of New Hampshire.

Ordered That Col. Dudley M^{r} Cook Col^{o} Wainwright M^{r} Remington and M^{r} Thomas Cushing with Such as the Hon^{ble} Board Shall Joine be and hereby are Chosen and Appointed Commissioners on the Part & Behalf of this Governm^{t} to meet with Commiss^{rs} that may be Appointed by the Governm^{t} of New Hampshire to Adjust And fully Issue the Said Difference their Agreement thereon to be Laid before the respective General Assemblys of the Said Provinces for their Confirmation and that Upon Such Confirmation of the Said General Assembly His Majesty be humbly Addressed by both Governm^{ts} for his Royal Approbation

Sent up for Concurrence — W^{m} Dudley Speak^{r}

In Council April 11th 1729. Read & Concurd & Nath^{ll} Byfield Addington Davenport Thomas Fitch Timothy Lindall & Theophilus Burrill Esq^{rs} or any three of them are Joined in the Affair.

J Willard Sec'ry

Consented to — W Burnet

A True Copy Examined — J Willard Sec'ry

[*Petition of Eastman and Hazzen*, 1729.]

[Mss. Prov. Boundaries, p. 27.]

To His Excellency William Burnet Esq^{r} Cap^{t} General and Governour in Chief in and Over his Majesties Province of New

Hampshire in New England, To the Honourable His Majesties Council & The Honourable House of Representatives of said Province in Generall Court Assembled at Portsmouth The 22d Day of April 1729

The Memoriall of Ebenezer Eastman and Richard Hazzen Junr of Haverhill, for themselves & in behalf of Sundry Others of the Principall Inhabitants and Proprietors of the Town of Haverhill in the County of Essex, who hold under the Antient & Originall Grantees of the Said Town Humbly Sheweth

That Your Memorialists & their Predecessors under whom they derive their Title of Property from have been setled in the Town of Haverhill for More than Eighty and Eight Years, Ever since the Year 1641. Haveing had a Grant from the Province of the Massachusetts Bay; since which time the Inhabitants there have been in the Exercise of the Powers, priviledges, and Authorities, which Other Towns in the Massachusetts Province do hold and Enjoy, And that your Memorialists and their Predecessors, have at a vast Expence of Blood & treasure defended that frontier, from the Repeated Invasions & Attacks of the Indian Enemy in the late Calamitous warrs. The truth of which being So Notorious that no Doubt Can be made of it. And that we have at no time Exceeded the Limits of Our Town Grant in the disposition, or Appropriation of Any of Our Lands.

But so it is May it Please Your Excellency, and Honours, that the Divisionall or Partition Line between this Province & the Massachusetts may probably when Setled Leave part of the Grant of Haverhill Township to the Northward thereof, for we are Sensible that the Northwest Line of Our Township, Runs more then three Miles to the Northward of Merrimack River, For want of a Settlement of which Many Inconveniences and Difficulties have Arisen and Still are likely to Arise and Increase And Your Memorialists think it almost Needless to Mention that many Irish persons have of Late set down & setled themselves, within the Antient and known Lines and boundaries of Haverhill Grant, Under the Authority of this Government which Lands have been so Dearly defended by us as Aforesaid.

Now your Memorialists with all Humility & Submission would Approach Your Excellency & this Great & Honourable Court & Lay their Difficult Circumstances before you for your wise & Equitable Consideration, & first would Suggest and pray that as the Grant & possession of Haverhill is of So Long Standing we may not be Molested or Disturbed in the Quiet possession of Our property; we are not Sollicitous which Government we are or Shall be Subject to, it

being Our business to be Obedient which is Our Sincere desire and Resolution And when the Line shall be made Certain & Determined, we shall Chearfully Obey y^e^ Laws, & Authority, of that Government to which we shall be Subjected, but till then we Would renew Our prayers, that we may not be Ousted of Our so Long possessed property. —

And in Order to Settle the Matters in Difference between the Two Governments, Your Memorialists have Already Addressed the Government of the Mass^a^ Bay Setting forth the Difficulties we Labour Under as Aforesaid & praying that some way may be found Out for Our Relief, — In Answer whereto they have Appointed Commissioners to Meet with such Commissioners as may be Appointed by this Government to Adjust, and fully Issue, the Difference between the two Governments, The Agreement between them to be Laid before the Respective Generall Assemblies of the Two Provinces for Confirmation ; Upon which that both Governments Address his Majesty for his Royall Approbation of Such Confirmation — which petition and Order thereon we hope is Transmitted to Your Excellency & Honours for Your Consideration to which we Humbly refer, And we trust that Upon Reading & Considering the Same, with this Our Humble Memorial Your Excellency and Honours will see Great Cause to relieve us under these Our difficulties, & that you will appoint a Number of such worthy and Judicious Gentlemen as You may think proper as Commissioners fully Impowered on the part of this Government, to Meet with the Commissioners Appointed & Impowered by the Massachusetts, to Adjust & fully Issue the Unhappy Difference between the Two Governments Agreeable to the Vote On Our Aforesaid Petition or that of Your known wisdom you would Point out some other way for Your Memorialists Speedy relief in the Premises whereby the ill Consequences of what may Otherwise happen may be Avoided And for Your Excellency & Honours Your Humble Memorialists as in Duty bound shall Ever pray.

Ebenezer Eastman
Richard Hazzen Jun^r^

for themselves & in behalf of the Inhabitants of Haverhill

[*Vote on Petition of Eastman and Hazzen*, 1729.]

[Mss. Prov. Boundaries, p. 33.]

Upon the Petition of Richard Hazen Jun^r^ & Ebenez^r^ Eastman for themselves & in Behalfe of sundry others of the orriginall Inhabit-

ants & Proprietors of said Town of Haverill: Praying that y^e^ Line Between the Provinces May be Setled &c^a^

Upon which tis voted That Nathaniell Weare Esq^r^ and Cap^t^ Joshua Pierce be a Comittee of this house to Joyne with such as the hon^ble^ Board Shall Appoint to take into Consideration the said Petition: and alsoe the vote of the Gen^ll^ Court of the Mass^a^ That was voted in Answer to a Petition from the same ℔sons relating to the Setlem^t^ of the line between the Provinces & Make report thereof unto the Gen^ll^ Assembly

Aprill y^e^ 30^th^ 1729 James Jeffry Cl^r^ Ass^m^

In Coun^l^ Eod die

Read and Concurr'd and ordered that M^r^ Walton & M^r^ Odiorne Joyn w^th^ the Gent^n^ above for y^e^ Service above

R Waldron Cler Con

℔ Stevens & Sanburn

[*Report of Committee on Petition of Eastman and Hazzen*, 1729.]

[Mss. Prov. Boundaries, p. 34.]

Whereas the Petition of Ebenez^r^ Eastman & Richard Hazen Jun^r^, in the Behalfe of themselves & Several others of Haverill setting forth the Difficulties they Labored under by Reason of the Disputs and uncertainty of the lines of the two Provinces & that the Goverment of the Massachusets has Chosen a Comittee to Joyne with a Committee w^ch^ Might be Chosen in this Province to meet & Consider and Settle &c^a^.

The Consideration of the premises Relating to said Petition being Refer'd to us the subscribers as a Comittee wee Make our Return as followeth — viz^t^

That as to the lands which they set forth their long Possess^n^ which they have had wee are of Opinion that the Comon law Must Decide that which supports Every Mans Right in his Property: And as to Chuseing a Committe to Joyn with the Comittee from the Massachusets: Wee have submitted that Matter to the King & hope his Maj^tie^ will in a Short time Settle it —

And for the present it would be fruitless for us to Meet for there has been Severall Comittees Appointed But Could Never agree where to take their Departure to run the West line and althô their own Charter is in Plaine Words with Latitude & Longitude: yet they In-

sist on a Crooked line: & unless they will perfix the Certaine Place where to begin, & so Run a West line wee supose it not agreeable to their Charter: And wee are of opinion that the place which was the Intent & Meaning of y^e^ Charter to begin on the North side of Merrimack River by the Sea & run three Miles North & then a West line & if they will Comply with that; That then there be a Comittee of this Province chosen to Joyn with their Comittee to Run said line & That line to stand till his Maj^ties^ Pleasure be known

May 2^d^ 1729

Sha^d^ Walton
Jotham Odiorne
Nath^a^ Weare
Josh: Peirce
} Cômittee

In the house of Representatives

the within Return was Read and Voted that it be accepted & Sent up for Concurrence —

May the 2^d^ 1729 James Jeffry Cl^r^ Ass^m^

In Coun^l^ Eod die

Read and Concurrd R Waldron Cler Con

[*N. H. Committee to Run Line*, 1729.]

[Mss. Prov. Boundaries, p. 41.]

In the house of Representatives

voted That Nath^l^ Weare & Theo: Atkinson Esq^rs^ and Cap^t^ Joshua Pierce be of the Comittee from this house to Joyn w^th^ a Comittee of the upper house to meet the Comittee that may be appointed by the Province of the Mass^a^ Bay to run y^e^ West line from three miles to the Northward of the Mouth of Merrymack River and to run as far West for the ℘sent as the Town of Dunstable the West side the River that runs Down into Merrymack

May 15^th^ 1729 James Jeffry Cl^r^ Ass^m^

In Coun^l^ Eod die

Read and Concurr'd & Mess^rs^ Walton Jaffrey & Frost appointed to Joyn w^th^ y^e^ Gen^t^ above for y^e^ Service above

M^r^ Peirce R Waldron Cler Con

[*N. H. Vote about Choosing Commissioners*, 1730.]

[Mss. Prov. Boundaries, p. 40.]

In the house of Representatives

Whereas his Majtie hath by his 77th Instruction to his Excellcie Govr Belcher, Directed to the Choice of some Discreet and Indifferent persons out of some of the Neighbouring Collonies under his Majties Imediate Goverment who are to be Invested with Sufficient powers to Draw the Dividing Lines & to Determine the Dispute Between this Province & the Province of the Massachusets.—

Voted / That this house in Obedience to the said Instruction & his Excellces Proposall thereon : will Make Choice of three such persons as therein are Directed to : in Case the Massachusets Goverment will do the like in order to have the lines Drawn, and an End made to the sd Dispute as soone as possible —

August 31 : 1730/ James Jeffry Clr Assm

In Coun^{l} Eod die
Read and Concurr'd R Waldron Cler Con

[*N. H. Act of Authority to Commissioners*, 1730.]

[Mss. Prov. Boundaries, p. 42.]

Province of N Hampr } In the house of Representatives.

Whereas his Excellencie our Govr hath been pleasd to Lay before this house his Majties 77th Instruction in Relation to the Boundaries of this Province and the Province of the Massa Wherein tis recomended that Each Goverment Choose Discreet and Indifferent ꝑsons out of the Neighboring Collonys under his Imediat Goverment with sufficient powers to Draw the said Boundary line and finally to Determine ye Dispute Between the Two Provinces whose proceedings therein are to be laid before his Majtie and be of None Effect till his Majties Pleasure shall be known Thereon

Voted/ Now in Compliance with his Majties said Instruction and that the Ends therein Proposed may be answered being so wisely Projected ; and whereas the Province of the Massa has Chosen three men to be a Committee for them on that affaire : Wee conceive if wee

should Choose three men alsoe to Joyn with them ; there Might many Inconveniences arise. Therefore wee humbly presume that three Gen^t^ of sincerity & Wisdome may be sufficient to Determine the same : And as the honb^le^ Adolph Phillips Esq^r^ of New York was proposed to be Chosen by this Government at the Last Sessions and since that the Province of the Mass^a^ has made Choice of him : And he being a man so agreeable to his Maj^ties^ Instructions : and Desierable by us of New hampshire Wee likewise Make Choice of him

and as the Province of the Mass^a^ has already Made Choice of the Hon^ble^ Joseph Talcut Esq^r^ Govornor of Connecticut for one : Wee Do Make Choice of the Hon^ble^ Joseph Jenks Esq^r^ Govornor of Rhoad Island for another : and these three ℔sons to be Comiss^rs^ to Come upon the spot & to setle the lines to all Intents and purposes according to the Intent of the said Instruction : and they are hereby fully Impowred to Determine the same so far as this Province is concern'd : And voted alsoe that there be a Committee appointed from this Province to Joyn with as Many to be Appointed by the Goverment of the Mass^a^ to signifie to the above Gen^t^ That they are so Chosen for the Purposes & Ends affore said : And Pray their acceptance and if any of the above said Three Gen^t^ shall not accept or thrô some unforeseen Accident shall not be able to Come Then the Gen^t^ Chosen by this Goverment to signifie to the above Gen^t^ that they are Chosen : are hereby fully Impowered to Make Choice of a Propper ℔son in the Roome and Stead of Govornor Jenks in Case he do not accept or Cannot Come ; and the Gen^t^ Chosen by the Mass^a^ for the like End : to do the like in Case it shall so happen with Govornor Talcut; And if the Hon^ble^ Adolph Phillips Do not accept or should be prevented Comming : That then both the Comittees Last appointed by the Goverment^s^ shall Make Choice of a Propper ℔son in his stead ; and then these Commiss^rs^ to have the full power as the ℔sons first Chosen to all Intents and purposes : Provided alwayes that the Mass^a^ Goverment agree to the above choice in the manner above : And that as well the Northern Boundary line between this Province and the Late Province of Maine be settled by y^e^ same Commiss^rs^ as the southern line Next the Mass^a^

9^r^ the 24^th^ 1730 — James Jeffry Cl^r^ Ass^m^

In Coun^l^ Read and Concurrd R Waldron Cler Con

I Assent To The foregoing Vote J Belcher

[An Act to the above effect may be found in Prov. Boundaries, p. 46. Ed.]

[*Mass. Act of Authority to Commissioners*, 1730/1.]

[Mss. Prov. Boundaries, pp. 36–39.]

Anno Regni Regis Georgii Secundi Magnae Brittaniae &c Quarto.

An Act made and pass'd at the Great and General Court or Assembly of His Majesties Province of the Massachusets Bay in New England begun and held at Boston upon Wednesday the tenth day of February 1730. —

An Act fully impowering commissioners to determine the bounds between this His Majesties Province of the Massachusetts Bay, and the Province of New Hampshire

Whereas the Grants or charters whereby the Inhabitants of the Province of the Massachusets Bay hold their lands, declare the northern bounds to be three miles to the northward of Monomack alias Merrimack river, and of every part thereof, as may more fully appear by the said Grants or Charters &c. Concerning which northern line there hath been a controversy for many years past, between the Inhabitants of the s^{d} Massachusets, and the Inhabitants of the Province of new hampshire ; which hath occasioned much disquiet and great charge and expence in many Law suits ; and the Controversy still lyes open notwithstanding some former attempts for an amicable decision And Whereas His Majesty hath in his great goodness been pleased to signify to both Governments his pleasure respecting the afores^{d} controversy, and recommended the peaceable adjustment thereof — This Court being willing and desirous that a full issue may be put to all disputes and no more controversy arise respecting the aforesd boundary line, but that the same may be absolutely fixed, and ever remain indisputable.

Be it enacted by his Excellency the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That the Honorable Joseph Talcott Esq^{r} Governor of the Colony of Connecticut, the Honorable Joseph Jenks Esq^{r} Governor of the Colony of Rhode Island, and the Honorable Adolph Phillips of the Colony of New York Esq^{r} be and hereby are fully Authorized and impowered, after having heard the proofs, pleas, arguments and Records that may be produced by the Committee to be appointed for that purpose in favour of either of the Provinces, at such time & place at or near the Lands controverted, as they the aforesd Joseph Talcott Joseph Jenks & Adolph Phillips, or any two of them shall appoint finally to agree and determine where the boundary line shall be drawn, Provided that no particular persons property shall be af-

fected or in any wise prejudiced for or by reason of the boundary being fixed and setled as aforesd —

And be it further Enacted That it shall be in the power of the aforesd Joseph Talcott Joseph Jenks and Adolph Phillips to order an Equivalent to be given and received by each Government in lieu of such lands as either of the Governments are in the possession or improvement of, by virtue of any Antient Grants or Patents, as the said Commissioners shall Judge reasonable such lands falling by the settlement of the Line without the Government that granted them — And Whereas the Government of New Hampshire very lately suggested, That there is some controversy relating to the boundary Line between that province and the late Province of Mayn, now part of the Massachusets province which the s^{d} province of the Massachusets held originally by purchase from the Assign of S^{r} Fardinando Gorge This Government also are willing that the Boundary Line between the late Province of Main & New hampshire Province should be made certain determined and fixed by the aforesd Joseph Talcott Joseph Jenks and Adolph Phillips in the same way, and on the same Conditions and proviso's upon which the other Boundary is or may be agreed Provided their determination and Decision shall be by them reduced to writing under their hands and seals, or any two of them provided also, that in case it shall happen that any one of the aforesd three Gentlemen should not appear to undertake & perform the business hereby committed to them, That then the persons appointed a Committee on the behalf of each Government to attend the Commissioners as aforesd or the major part of s^{d} Committees agreeing shall choose one other meet person to joyn the other two commissioners in ordering setling & determining the aforesd boundaries ; And in Case the persons appointed on behalf of each Government shall not agree upon a third Person, That then the two Commissioners that may appear shall have full power & authority to make choice of a third person, and in Case it shall so happen, that the two commissioners should not agree upon a third person to Joyn them in this affair, That then his Excellency Jonathan Belcher Esq^{r} his Majesties Governor in chief over both provinces be requested & hereby is fully authorized & Impowered to nominate & appoint a discreet indifferent person to joyn with the aforesd two present Commissioners, and the person so chosen either by the persons appointed for & on behalf of each Government, the two commissioners, or by his Excellency the Governor, shall have as full and ample authority to all Intents as the Commissioner that was first appointed, and may happen to be absent, could have had, or ought to have, if he were present

Be it further Enacted That Edmund Quincy Elisha Cooke William Dudley Benjamin Lynde Jun^{r} Esq^{rs} and M^{r} Samuel Welles be a Committee for and on behalf of this Government to appear at the time & place to be appointed by the aforesd three Commissioners to produce and enforce the proofs Arguments and allegations that may be advanced to maintain this Governments right in holding and enjoying the land possessed or claimed by them — Provided also that the Government of the province of New Hampshire pass an act in substance like this. —

Provided always That the Agreement, final issue and determination of the Boundaries before in this Act mentioned shall be compleat reduced to writing under the hands and seals of the aforesd three Commissioners or any two of them, the whole being present at the hearing of the proofs pleas & allegations of the aforesd Committees on or before the last day of November next — And Duplicates sealed up, put into the hands of the Committee of each Government appointed to Attend the aforesd Commissioners or such of them, as the respective Committees shall appoint — The charge and expence that may arise in effecting this affair shall be born and discharged by each Government in equal halves. —

Copy Examined ❦ J Willard Sec'ry.

[*Massachusetts Committee to Attend Commissioners*, 1731.]

[Mass. Archives, Vol. 5, p. 6.]

Anno Regni Regis Georgii Secundi Magnae Brittanniae &c quarto.

At a Great and General Court or Assembly for His Majestys Province of the Massachusets Bay in New England begun and held at Boston upon Wednesday the tenth of February 1730 being Convened by His Majestys Writs.

March 27th 1731, In the House of Representatives ordered That m^{r} Cooke, m^{r} Welles, and m^{r} Lynde, with such as the honourable Board shall appoint, be the Committee to Attend upon the Commissioners appointed for the Setlement of the boundary lines between this Province and the Province of New Hampshire.

In Council Read and Concur'd, and Edmund Quincy and William Dudley Esq^{rs} are joyned in the affair.

[*Massachusetts Committee Appointed to Agree with New Hampshire on Draft of Bill*, 1731.]

[Mass. Archives, Vol. 5, p. 7.]

Anno Regni Regis Georgii Secundi Magnae Brittanniae &c quarto —

At a Great and General Court or Assembly for His Majestys Province of the Massachusets Bay in New England begun and held at Boston upon Wednsday the twenty sixth of May 1731 being convened by His Majestys writs.

June 3rd 1731, In Council, ordered, That Edmund Quincy and William Dudley Esqrs with such as shall be joyned by the honourable House be a Committee for and in behalf of this Court to meet a Committee of the Government of New-hampshire at Newbury on the twenty second instant if this Courts sitting do not prevent them; and if so the Committee to give seasonable Notice to the Gentlemen of New-Hampshire when they will meet them/ in order to agree upon a Draught of a Bill to impower Commissioners to setle the boundary line between the two Provinces; and that Paul Dudley and Samuel Thaxter Esqrs with such as shall be joyned by the honourable House be a Committee to prepare a Draught of Instructions for the Direction of the Committee beforementioned in the affair.

In the House of Representatives Read and Concurd, and ordered, That Elisha Cook, Benjamin Lynde Junr Esqrs and mr Samuel Welles be joyned with the Gentlemen of the Board before named appointed for the Draught of a Bill, and John Stoddard Esqr, mr Thomas Cushing, and mr Elisha Bysby for the Draught of Instructions.

Consented to. J Belcher.

[*N. H. Vote and Amendments*, 1731.]

[Mss. Prov. Boundaries, p. 50.]

May the 6th 1730/ In the house of Representativs.

Whereas upon Reading a Transcript of the act of the Great and Generall Court or Assembly of his Majties Province of ye Massa Bay in New England Relating to the Boundary lines of that Province & the Province of New hampshire Made and Passed in Yer 1731. Laid before this house by his Excellency Govr Belcher. It is observed

that the said act of the Mass[a] is not correspondent to the Intent of his Maj[ties] Instruction for Setling the Boundary lines —

Therefore Voted That this house adhere to their act Made and passed in Newhampshire x[r] the third 1730, with these Amendments–

Viz[t] 1) Instead of the words (That then the affore said Committee with the Committee to be chosen by the Mass[a] appoint another person in the Roome of the said M[r] Phillips) there be added : That in case the said M[r] Phillips do not accept (or cannot Come) That then his Excellency the Govornor of New York be Desiered and fully Impowered to Appoint som Suitable P̃son of that Goverment in the Room & Stead of the said M[r] Phillips —

2) and that Instead of the words (by the Twenty fourth day of June next) It be Entred. by the Last day of September Next : and alsoe It be Entred that the Charges be Born by both provinces as the Comiss[rs] Shall adjudge :

3) and that a Clause be added as in the Mass[a] act affore said that the Comiss[rs] Determination on the premises be Drawn up under hand and Seale & Duplicates given to Each of the said Comittees or such of them as shall by Each Comittee apponted to receive the same

and that the act of this Province be Amended accordingly —

James Jeffry Cl[r] Ass[m]

In Coun[l] Eod die

The Vote on the other Side read and nonconcurr'd unanimously and VOTED that a Committe of this Goverm[t] be chosen to meet a Committe of the Goverm[t] of the Mass[a] Bay (if they See meet to Chuse one) at Newbury or Ipswich to confer upon the Acts which have been already pass'd in Either Province in order to a Settlem[t] of the Divisional lines of the Said Provinces, & to project & agree upon Such a bill (to be Reported to Each Goverm[t] by the respective Committees) as may (if possible) answer so desirable an end — And In Case the Goverm[t] of the Mass[a] declines chusing a Committe as above, or if they should chuse, and the Committees should meet, but not agree, That Then His Excell[cy] The Gov[r] be earnestly requested to State y[e] Case to His Majesty, that It may be known at home how free and forward this Goverm[t] has been in paying a Dutiful regard to His Majestys Royal and Gracious Instruction relating to the above affair

Rich[d] Waldron Sec[ry]

May y[e] 6[th] 1731 — In the house of Representatives

the above vote of the Concill read and Nonconcurr'd and the house nemine contradicente adher's to the within vote —

James Jeffry Cle[r] Ass[m]

[*Message of N. H. House to Council*, 1731.]

[Mss. Prov. Boundaries, p. 52.]

Whereas by the Verball Message Sent up to the board by Wear Peirce Atkinson & Clarkson Esq^{r} Setting forth how unlkely the Proposeall made by his Excelency In his Message by M^{r} Waldron for the Appointing Comittes by both Goverm^{ts} was to Effect the Setlemt of the Lines for that Expedient haveing been Tryd & to No Effect & that this house Adheired to their former Act with Such Amendm^{ts} as was then Entred in the Vote of this house & that if the Council would not Concur with this Vote and Amendment that this house would pass no act nor order but what Should be Exactly conformable to his Maj^{ts} Instruction to his Excelency on that head which in Condisenton to his Excelencys recomendation this house in Some measure diviated from notwithstanding which we finde it Ineffectuall & therefore haveing no hopes of its being Effected with out Application to his Maj^{ty} In council & by the Encouragem^{t} of Sund^{ry} Persons Subscriptions for the Carrying on that affair this house tho^{t} tis their Duty to See weither the Council would Joyn with them in the Appointing an Agent to Lay the whole affair before the King In Council & in case the Councill Should See meet to Joyn with this house in this Affair we Should readyly convince them that we had the offer of A Private Subscription to the Value Two or three hund^{d} pounds Sterling from the Members of this house from home this house Desires no other Security then their own bill payable to Some Suitable Person in Great Brittain

May 6 : 1731 James Jeffry Cle^{r} Ass^{m}

[*Vote of N. H. Council about Subscriptions*, 1731.]

[Mss. Prov. Boundaries, p. 82.]

In Coun^{l} May 6th 1731

Whereas by a Verbal Message from the Assembly to the board by Mess^{rs} Weare Peirce Atkinson & Clarkson It is declared to be the Sentiments of the House That The Settlem^{t} of the Province line will never be adjusted but by His Majesty In Council, and Whereas It was moved To His Excell^{y} & The board by the Gentlemen above named That an Agent may be Chosen To make Remonstrance of

the affair to His Majesty accordingly and further as the S^d^ Gentlemen were pleased to represent that There are a Certain number of Persons that will subscribe Considerable Sums out of their own private purses for carrying on the affair, The Council desire to be informed who the Persons are that are so bountifully disposed, what Sums they will advance, & when It will be paid, & whether the House has yet gotten any Security for the Same, Also Expect The original Subscription's being laid upon the board in order to their passing upon the afores^d^ Verbal message

R Waldron Sec^ry

[*New Hampshire Committee*, 1731.]

[Mss. Prov. Boundaries, p. 53.]

In the House of Represen^s^

WHEREAS The General Assembly of This Province on the 3^d^ day of Decemb^r^ last pass'd an Act for Settling the boundary lines between this Province and the Mass^a^ Bay, and Whereas The General Assemby of that Province have since done the like, a Copy whereof has been laid before us by His Excellency The Governor, by which it appears that the Two Goverments are yet at a very wide distance in relation to that affair, and there being no manner of likelihood that the difference will be accommodated unless by the means of a previous Conferrence, and we being heartily and earnestly desirous to put an end to so unhappy a misunderstanding & willing to do every thing in our power to bring it to an amicable Issue, Do therefore Vote that a Committe be Forthw^th^ chosen, to meet a Committee of the Goverm^t^ of the Mass^a^ Bay at Newbury (if they see meet to Chuse one) on the 22^d^ of June next to treat w^th^ each other & Try whether they can agree upon Such a draught of a bill (conformable to His Majestys Instructions) as may be agreeable to & pass'd upon by the Gen^l^ Assemblys of Each Province, & that y^e^ Said Committes make their respective reports w^th^ all Convenient dispatch, and That His Excellency the Gov^r^ be desired, To Prorogue this Court when It rises to y^e^ 1^st^ day of July next to receive y^e^ S^d^ report & to Act what is proper thereon, that the Controversy may be ended (if possible) by the first of November next and That Nath^l^ Weare & Theo : Atkinson Esq^rs^ be of the Committe from this House to Joyn w^th^ Such as may be chosen by the board for the purposes before mention'd and y^t^ the Treasurer suply the Committe w^th^ Money for their Charges

May 7^th^ 1731 James Jeffry Cle^r^ Ass^m^

In Coun^{l} Eod^{m} die

Read and Concurr'd and Geo: Jaffrey & Henry Sherb^{n} Esq^{rs} appointed for the Service above R Waldron Secretary

May 8th 1731 I Assent to the foregoing Votes

J Belcher

[*Letters from Elisha Cooke, of Mass. Committee*, 1731.]

[Mss. Prov. Boundaries, p. 57.]

Boston June 21st 1731

S^{r}/ yours of the 17th Ins^{t} I have before me & observed the Contents. I have Communicated the same to the house for their Directions being but two of the Committee at Court this afternoone : However the Committee from this Goverm^{t} will meet the Committee of Newhampshire on Tuesday the Eleaventh of July Next at Newbury if the Gen^{ll} Ass^{m} of your Province Impower yours to meet on that day —

I am in all sincerity yo^{r} obliged Humble Servant

Elisha Cooke —

Hon^{ble} Geo : Jaffrey Esq^{r}

vera Copia James Jeffry Cle^{r} Ass^{m}

July the 1–1731 In the house of Representatives —

Boston June 15th 1731

Gen^{t} on the second Ins^{t} the Gen^{ll} Court appointed a Comittee to meet you at Newbury in order to agree upon the Draught of a Bill to Impower Commiss^{rs} to Setle the Boundary line Between this Province and Newhampshire and in as much as the Court is sitting here and in all probabillity will not rise before the Time prefixed by your Court for the Comittees meeting at Newbury which was to have been on Tuesday Senett the Twenty Second Ins^{t} It prevents this Courts Committee Meeting you at that time as otherwise they would have Don as soone as the Sessions is at an End the Gen^{t} will agree upon a Day when to Meet you at Newbury and will give you Seasonable Notice by an Express.

The Messenger waits on you that the affaire may not Drop and so prevent an Amicable accommodation and put an End to a Long Contention I am Gen^{t} your obliged humble Serv^{t} —

Elisha Cooke

The Hon^{ble} Geo : Jaffrey : Henry Sherburn Esq^{r} Natha^{ll} Weare & Theo : Atkinson Esq^{rs}

Copia attest James Jeffry Cler Ass^{m}

In the house of Represen^{t} July 1st 1731

[*Proceedings of Council*, 1731.]

[Mss. Prov. Boundaries, p. 56.]

Pro : of N Hamp^{r} } At a Gen^{l} Assembly held at Portsmouth by Adjourn-m^{t} thursday July 1st 1731

PRESENT IN COUN^{l}

His Hon^{r} David Dunbar Esq^{r} L^{t} Gov^{r}

Shad^{a} Walton, Geo : Jaffry, Rich^{d} Wibird } Esq^{rs}

Joth^{o} Odiorne, Hen : Sherburne, Rich^{d} Waldron } Esq^{rs}

A message from His Hon^{r} y^{e} L^{t} Gov^{r} To the House of Represen^{s} by y^{e} Sec^{ry} to require their Attend^{ce} at y^{e} Council Board, The Speak^{r} & House came up accordingly to whom His Hon^{r} made a Speech & D^{d} y^{e} Same to the Speak^{r} (at his request) & y^{n} yy withdrew to y^{r} own apartm^{t}

A Message to the House by y^{e} Sec^{ry} to recommend to y^{m} y^{e} revival of the Vote for a Committe to meet a Committee of y^{e} Mass^{a} at Newbury wth Sundry papers relating thereto.

A Message to the House ℔ y^{e} Sec^{ry} to inquire whether anything was like to come up to Night, y^{e} Speak^{r} answered he tho't not. —

Adj^{d} til tomorrow 10 a Clock A : M : —

Met according to Adjournm^{t} fryday July 2^{d} 1731

Present as Above —

A Message to y^{e} Board by Mess^{rs} Jennis & M^{c}Murphy wth a Vote for a new method for Settling y^{e} Province line w^{ch} was nonconcurrd & sent back by y^{e} Sec^{ry} together with a Vote of Coun^{l} for reviving y^{e} form^{r} Vote w^{ch} y^{e} House nonconcurred & sent up by Mess^{rs} Stevens & Thing who also bro't up a Vote that y^{e} House adhered to their Vote sent up this day — a message from His Hon^{r} y^{e} L^{t} Gov^{r} to y^{e} house by Col^{o} Sherburn & y^{e} Sec^{ry} to Prorogue y^{e} Gen^{l} Assm^{y} to y^{e} first wednesday of September next

[*N. H. Vote in Regard to Committees*, 1731.]

[Mss. Prov. Boundaries, p. 58.]

Province of New hamps^{r} } July the 1st 1731

Whereas the Gen^{ll} Assembly of this Province Did on the 7th of May last past, Amongst other Votes Relating to the Boundary lines Between this Province and the Province of the Massachusets Bay pass a Vote Chusing & Enabling a Committee of this Province to meet a Committee That Should be appointed by the Great & Gen^{ll} assembly of the Province of the Massachusets to Endeavor to Calculate an act to be passed by both Goverments in Order to adjust & Setle the Lines w^{ch} said Committees were to meet at Newbury the 22^{d} of June Last past and to Make Return to this assembly this day: since which the sd Comittee have not heard whether that Goverment hath proceeded to Chuse a Committee or not, But by Private letters are Informed that the said Committee could not then meet by which Delay the whole affair has fallen to the ground: and haveing his Excellencies Letter to the President of the Councill now before us Desiering that this house would pass a Vote Enabling a Committee of this Province to meet the Committee of that Province at Newbury the 13th Curr^{t} with a Direction to have the Gen^{ll} Assembly Prorouged to September Next, by which Delayes the setlement of the line cannot be finished this fall, all which is Contrary to the Interest of this his Maj^{ties} Goverment: and the Intent of his Maj^{ties} Instructions

Wherefore In the house of Representatives

Voted/ That this house do not think it for the Interest of the Province to Chuse a Committee, but to Com into som other Method and Represent the matter to the Court of Great Brittaine & shew how farr this Province have proceeded and Endeavored a peaceable Settlement of the said lines: and pray that his hon^{r} the Liu^{t} Gov^{r} & the Board will Come into the same —

James Jeffry Cle^{r} Ass^{m}

In Coun^{l} July 2^{d} 1731

Read and Nonconcurred — R Waldron Secretary
℔ Jennis & Macmurphy —

In Coun^{l} July 2^{d} 1731

Ordered That The Vote of Gen^{l} Assem^{y} made and past the 7th of May 1731 for appointing a Committe to meet a Committe of the Mass^{a} At Newbury y^{e} 22^{d} June be and hereby is revived & that the

Committes meet any time between the 12th of the Curr[t] month & the 20th of August next & that the Said Committes make their report to the Gen[l] Assemblys respectively at the first Sessions of the Said Assemblys after the Committes have met and Concluded upon the affair R Waldron Secretary

Eod[m] Die: In the house of Representatives the above Read and nonconcurred — James Jeffry Cle[r] Ass[m]

Eod[m] Die: In the house of Representatives voted/ That the house adher'd to their former vote — James Jeffry Cle[r] Ass[m]

[*Petition from N. H. Council*, 1731.]

[Mss. Prov. Boundaries, p. 61.]

To the Right Hono[ble] the Lords Commissioners for Trade & Plantations. —

May it please your Lordships —

We the Subscribers, Members of His Majesty's Council, of the Assembly & other Inhabitants of this, His Majesty's Loyal & dutifull, thô Small & poor Province of New Hampshire in America, being lately disappointed of an Opportunity of Addressing our most gracious King from the Representatives of our People in General Court Assembled, and Setting forth the Hardships we Suffer by the Dispute about the Lines between us and the Massachusetts Bay, This Disappointment being occasioned by a Sudain Prorogation after one Day's Sitting by our Leiu[t] Governour pursuant to Directions Sent from our Chief Governour from Boston, which was very Surprising to the House of Representatives here, who at the Instant of Prorogation were preparing Such Address; Do therefore most humbly pray to be permitted to lay our Said Hardships before Your Lordships. —

When our present Chief Governour was pleas'd to communicate to us the Royal Instruction for Settling the Said Lines, we received them with all Thankfullness & Duty and immediately proceeded upon Naming our Commissioners in the very Manner prescribed in the Instructions, but our Choice not being approv'd by His Excellency, and very difficult to find others Qualified we readily came into other Measures to facilitate the Settlement of the Said Lines, as may appear by attested Copies of the Proceedings thereupon. All which

proving ineffectual, and having too much Reason to believe That our Neighbours of the Massachusetts do not desire to have the Lines fix'd, because we apprehend That they are making Settlements, which will be deem'd far on our Side the Lines, and are frequently exercising an Authority & Jurisdiction Nine, Ten & Eleven Miles to the Northward of Merrimack River, by Seizing & carrying away Some of our Inhabitants, Imprisoning, Sueing & fining them at their Courts, on the South Side of the Said River, to the great Damage & Discouragement of many poor Families. —

We therefore humbly pray Your Lordships Favour, That His Majesty may be address'd to interpose and give His Royal Orders for Ascertaining & determining the Lines in Dispute, to which we Shall Chearfully Submit as we have always done to His Pleasure, Well knowing His Majesty can have no other Intentions, than the Wellfare, Prosperity & Ease of His Loyal Subjects—

We further beg leave to represent to Your Lordships, That this Small Province labours under vast Disadvantages, by being under the Government of the Same Person with the Massachusetts, As that Province is very considerable in Respect to us, and the Gov^{rs} Salary cheifly arising there : we have been deny'd & cannot at any Time reasonably hope for his Assent to Some Acts which wou'd be beneficial to our Small Province, which if we were under a Seperate Gover^{r} wou'd not be deny'd to us, and which might also enable us much better to pay the Salary which we have already, pursuant to His Majesty's Instruction Settled upon our Chief Gov^{r} So as to enable a Gov^{r} of our Own to Support the Rank.—

If we might presume to beg this Favour of His Majesty, it wou'd be Such an Act of His Goodness as wou'd forever make His Memory dear to our Posterity as His Royal Person is now to us.—

To mention any other Grievance we feel we fear wou'd Render us too Troublesome to your Lordships and employ more of your precious Time, Than our Proportion, and they are Such as might be easily remedy'd here ; Several of our Towns are at this Time destitute of any Magistrate insomuch That a Constable has come to the Town of Portsmouth Thirty Eight Miles to be sworn into his office, and no Justice of Peace nearer to the Town he came from than Twenty three Miles ; This Misfortune we labour under by an unhappy Displeasure conceiv'd against Some of us by our Chief Governour, as we apprehend Tho' we humbly are of Opinion without the least Grounds, We having not only comply'd with every Thing be ask'd of us in His Majesty's Name, But pass'd a Vote for paying him Six Months Salary beforehand, whereby in Case of Death or Removal, we may be liable to pay the Same or most Part thereof to His Successor.—

We take leave of your Lordships, praying an Answer to this Remonstrance at your Leisure

We are with all possible Respect

Your Lordships most obedient & most humble Servants

July y^e^ 19^th^ 1731.

Josh Peirce	David Cargill	Wm Brock
J Bradford	Josh : Peirce	Jno Rindge
John Macmurphy	Geo Jaffrey	Andrew Wiggin
Theodore Atkinson	Benning Wentworth	David Jeffries
John Wentworth	Joshua Peirce	Tho : Packer

[*Mass. Committee Appointed*, 1731.]

[Mss. Prov. Boundaries, pp. 64–69.]

Province of the Massachusets Bay. } In the House of Representatives July 28th 1731.

WHEREAS His Excellency the Governour at his first Meeting of the General Court (after his arrival here) being the ninth of September last, acquainted them, that HIS MOST GRACIOUS MAJESTY out of a tender Care for all His Subjects, had Directed him to propose to the General Assembly of this Province, and that of Newhampshire, a Method by HIS MAJESTY prescribed for the Amicable Adjustment of a long and unhappy Controversy, respecting the Boundarys of the Provinces, which he had communicated to that Government, and they expressed to him their readiness to bring the Affair to a Friendly issue : This Court, taking the same into due Consideration, and being sincerly desirous and willing that the Dispute might be adjusted, in the way and Method pointed out by HIS MAJESTY, speedily agreed upon a Scheme or Projection for effecting the same, which when laid before the General Assembly of New hampshire in December last, they would not conform thereto, but passed an Act Impowering Commissioners to determin and put an end to these Disputes, provided this Government would pass an Act of the same kind ; which act of theirs being laid before this Court at their Session in the aforesaid Month of December was deemed in several respects insufficient, and for want of some necessary Proviso's it was apprehended the Commissioners would not be sufficiently Authorized and Impowered so justly to fix and Determin the Boundary line : To prevent therefore any such Inconvenience, and that no more Controversys might ever there-

after arise touching the Bounds of the Provinces this Court at a Session in February last, passed an Act fully Impowering Commissioners to determine the afores[d] bounds, and made provision in several Instances, as well as Authorized the Commissioners to Order Equivalents, if by them adjudged requisite, which Provision for Equivalents their General Assembly took no Notice of.— This act or Law was to remain firm and Stable forever provided they would come into an Act like to it in Substance, which that Government did not think fit to do, when the same was by them Considered at the Session of the General Assembly on the seventh of May last, but came into a Vote or Order appointing a Committee to meet and Confer with a Committee from this Court at Newbury on the twenty second Of June last past, if this Court see meet to chuse one in order to agree upon a Draught of a Bill that might pass both Governments, directing both Committees to make their respective reports with all convenient speed, that so the Controversy might be Ended, if possible, by the first of November then next coming, And this Court being at their present Session, advised of the proceedings of the Government of New Hampshire from a Just regard to the lasting Peace and Tranquility of the Provinces, and to avoid all future disquietudes and prevent a needless Expence of Considerable sums of money and time in repeating Law Suits on this head; And that His Majesty's Subjects whose lands border on the Controverted line might live in ease and quiet, as others the Inhabitants of each Province, they on the second of June last, raised a Committee to meet a Committee of theirs at Newbury on the 22[d] of said Month if this Court's sitting should not prevent them, but if so, seasonable Notice was to be given to the New-Hampshire Committee, and the time when they could meet them. — On the fifteenth of that Month this Court continuing to sit, a Letter was Expressed by a Messenger to their Committee advising them that the Courts sitting would forbid the Committee from hence meeting on the day prefixed, as likewise that they should be further notifyed in Season when this Governments Committee would meet them which was done by another Express of the 21[st] of June wherein it was proposed to meet them at Newbury on the 13[th] of July following: This Court being now further advised that the House of Representatives for the Province of New hampshire in General Assembly Convened on the first Instant came into a Vote or Order, first declaring what that Court had done respecting the Boundary line at their Session in May aforesaid, and that their Committee had not heard whether this Government had proceeded to chuse a Committee, or not, but by private Letters were Informed the Committee would not meet them, (thô both Expresses of the 15[th] and 21[st] of June reached

the hands of their Committee seasonably, and were read in the Assembly) they also make mention of a Letter from His Excellency to the President of their Council, which was then before them, desiring the House to pass a Vote to enable a Committee of that Province to meet at Newbury on the afores[d] thirteenth of this Instant with a direction to have the General Court prorogued to September next; Althô at the same time his Excellency the Governour wrote to the Secretary of that Province on the 21[st] of June, in which Letter is the following Paragraph "This Assembly being still like to sit some time, "the Committe here cannot meet the New hampshire Committee "about the line till the 13[th] Prox: of which the Gentlemen here write "to yours by the Post, I have therefore wrote the President that "your Assembly must sit the first of next Month and vote to meet "this Committee according to time; and allowing that their Committee were not strictly speaking sufficiently notifyed of this Governments proceeding on this Head; yet will any one presume or Insinuate that their General Assembly were not well and Seasonably advised even by Public Letters from their Governour to the President of their Council and Secretary of the Province as above, both which they had the full knowledge of —— That Assembly go on and say, by which delays the Setlement of the line cannot be finished this fall, and that such a procedure is Contrary to the Interest of that Government, and the Intent of His Majesty's Instructions, that therefore that House did not think it for the Interest of the Province to choose a Committee but to come into some other Method and represent the matter to the Court of Great Britain and shew how far that Province had proceeded and Endeavoured a Peaceable Setlement of said lines, and prayed his Honour the Lieutenant Governour and the Board would come into the same, which the Council the day following Non Concurr'd and revived the Vote for appointing a Committee, which the Assembly non Concurr'd and adhered to y[r] former vote. Now Inasmuch as this Court humbly apprehend That His Majesty's Good and Gracious Design so wisely Calculated for the Peace and Tranquility of both Provinces would be Entirely perverted if either this, or the Government of New hampshire should defeat a Compromisement of this affair, so much to be desired by such pretences and Excuses, as are advanced by the Assembly of New Hampshire, For that House had all the Assurances the Situation of the Public Affairs here would admit of, that nothing but the General Courts Continuing to sit would retard the Committee from hence meeting at Newbury, which will doubtless sufficiently plead for and Justify their non Attendance at that time: Duty to His Majesty and their Countreys Interest, requiring their attendance here; Especially if it be Consid-

ered What short space of time it was further referr'd to; as also the only Season of the year, for doing such business at so Great a distance, and likewise the Month of November was as soon as they possibly expected the affair to be Ended. —

To the End therefore, That it manifestly may appear, That as this Court from their being first apprized of the Gracious & good Intent of His Majesty, which when well Effected were well satisfyed would advance the Interest and growth of both Provinces, so they still remain of the same belief and purpose, what in them lyes, strenuously to Endeavour that the resolutions heretofore taken for bringing that matter to a happy close might not be frustrated; not in any measure moved or Excited hereto under an apprehension that the Government of Newhampshire can represent the matter to the Court of Great Britain in prejudice to this Province, by shewing forth any delays on the part of this Government attending the whole of the bussiness, althô the Assembly there adjudged that method advisable for them to pursue; Do therefore order and Impower Edmund Quincy, William Dudley, Elisha Cooke and Benjamin Lynde Jun^{r} Esq^{rs} and M^{r} Samuel Wells, M^{r} Elisha Bisby and M^{r} Edward Shove (or a Major part of them) to be a Committee in behalf of this Government to meet a Committee from the Government of Newhampshire at Newbury sometime in the month of September next as the Committee shall agree, then and there to Confer one with another respecting setling the Boundarys between the Provinces and agree upon the Draught of a Law, (if so they can) which both Governments may come into for the full and final Setlement of the line in Peace. — And that it be a direction of the Committee on the behalf of this Province that Provision be made in such Bill that all such lands or Towns which either Government are in possession or Improvement of by virtue of any Ancient Grants, be reserved to the Several Governments both as to Jurisdiction and property; and that said Towns be particularly Enumerated in said Bill; and that such Equivalent may be given and received respecting Property, as the Commissioners, who shall be Impowered to determine the Boundary line shall Judge reasonable./— The Committee to report to this Court as soon as may be./—

August 17th 1731
In the House of Representatives read & Concurr'd
sent up for Concurrence Jn^{o} Quincy Sp^{r}
In Council August 17th 1731 Read and Concurrd —
Sam^{l} Fyley ℔ order of Council
Aug^{t} 25th 1731 Consented to J Belcher
A true Copy Examd ℔ J Willard Sec'ry

[*N. H. Committee Appointed*, 1731.]

[Mss. Prov. Boundaries, p. 70.]

In the House of Representatives

Voted, That Natha[ll] Weare & Theo : Atkinson, & Joshua Pierce Esq[r] Be A Comittee of this House to joyn with Such as Shall be appointed by the Hon[ble] the Council to meet Comittee appointed by the massachusetts at Newbury on the 30[th] Day of September Cur[t] there to conferr & See if they can calculate an Act to be passed by Both Governm[ts] in order to Settle the Boundary Lines between the Two Goverm[ts] & that the Comitte appointed by this Goverm[t] be Instructed Strictly to adhier to his Maj[tes] 77[th] Instruction to his Excelency Govern[r] Belcher & Exactly to conform thereto in Every Article & that they do not repair to Newbury to meet the s[d] Comittee appointed by the Massachusetts Untill they Shall be Apprized that the Massachusetts Goverm[t] have given the like Instructions to their Comittee Provided alsoe & it is the Intent of this house & tis hereby Voted Accordingly that in case the Massachusetts Governm[t] Should not give their S[d] Comittee Such Instruction as is before mentioned in Relation to his Maj[ts] 77[th] Instruction or if it Should So happen that the Massachusetts Comittee Should not meet at the Time aboves[d] — or in case they Should not Agree upon the Draught of An Act according to the Above S[d] 77[th] Instruction that then & in Such Case the Above mentioned Comittee from this Province be Impowered & Directed to write to the Board of Trade giveing an Exact Acco[t] of the Proceedings of this Governm[t] from Time to Time & how far this Province hath Acceeded to the Settlem[t] of the S[d] Lines & to Transmitt authentick copies of All the Acts & Votes passed thereon & to pray their Lordships favorable Answer thereto & that his Excelency Be Desired to forward Duplicates thereof. —

7[r] the 16. 1731 James Jeffry Cle[r] Ass[m]

Sent up ℔ Clarkson & M[c]Murphee —

[*Vote of N. H. Council*, 1731.]

[Mss. Prov. Boundaries, p. 71.]

In Council Sep[t] 18[th] 1731 —

Voted That a Committe of both Houses be appointed to meet a Committe of the Goverment of the Mass[a] at Newbury any time

between the date of these Presents, and the twelfth day of October next to confer & try whether they can agree upon a bill, to be Enacted by both Goverments in order to Settle the divisional lines of the Two Provinces, and that the Committe of this Province Strictly adhere to His Majtys 77th Instruction to His Excellency the Govr but that they do not proceed to Newbury, til they hear the Goverm[t] of the Mass[a] has given direction to their Committe to Conform their draught to the Royal Instruction in that regard made and provided. — but In Case The Goverment of the Mass[a] should not see meet to give Such directions to their Committe or if the Committes should not meet, or meet, & not agree, That Then the Committe of this Province do forthwth prepare Copys of all the Acts & Votes (pass'd on either Side) and put them into His Excellency's hands, who is hereby humbly requested to transmit the same to His Grace the Duke of New-Castle, one of His Majesty's principal Secretarys of State, and Duplicates thereof, to the Right Honble the Ldds Commissioners for trade & Plantations and further That His Excellency be desired to make a favourable representation of the affair To His Grace, and the Right Honble the Ldds Commissioners aforesaid

Sent down for Concurrence R Waldron Secry —

In the house of Representatives 7r the 20th 1731

the above vote Read and nonconcurr'd and that the house adher'd to their former vote —

James Jeffry Cler Assm

[*Vote of N. H. House*, 1731.]

[Mss. Prov. Boundaries, p. 74.]

In the house of Representatives.

Voted/ That Whereas Nathaniell Weare: Theodore Atkinson & Joshua Pierce Esqrs are Chosen a Committee of this house to Joyne with such as shall be chosen by the Council to meet a Committee to be appointed by the Mass[a] at Newbury to see if they can Calculate an act according to his Majties Instructions for Setling the Boundary Lines between the Two Goverments and in Case they cannot agree Then the said Committee to Represent the affaire at home by Sending authentick Copies of all the Votes and acts &c that have passed in this Goverment thereon, Now that the Assembly may be Apprized of what the said Committee Shall write Voted that the said Committee do not write any thing as from this Goverment but what Shall

first be read & allowed of by this house: and that his Excellency be Desiered to adjourn this Generall Assembly to some time in october Next to receive the said Committees Report that so they May have an oppertunity to act thereon —

7r the 21–1731 James Jaffry Cler Assm
In Coun^{l} Eod die
Read and Non-Concurr'd R Waldron

[*Report of N. H. Committee*, 1731.]

[Mss. Prov. Boundaries, p. 75.]

Pursuant to a Vote of General Assembly made and pass'd September 25th 1731 We the Subscribers met a Committee of the Massachusets at Newbury the 30th of the Said month, To try whether we could agree upon a Preliminary Bill for Settling the divisional lines of this and that Province; But to no purpose, For the Instructions which the General Assembly of that Province had given their Committee, were much Straiter and more against the interest of New-Hampshire than the Act which that Goverment passed the 10th of february 1730 which the General Assembly of this Province could by no means agree to; For in the Said Instructions The Massachusets Committee are directed that Provision be made in the Bill that all Such lands or Towns which Either Goverment are in possession or improvment of by Virtue of any ancient grants be reserved to the Several Goverments both as to Jurisdiction and property, which if agreed to would bring the dividing boundary (according to our understanding) at least eleven miles and three quarters to the northward of Merimack instead of three miles, which We utterly refused to comply with, especially as to Jurisdiction, insisting that the line which the Commissioners should fix three miles to the northward of Merimack River according to the intent of their Charter, Should be the boundary as to Jurisdiction whatever we might consent to in respect of Property. —

Then those Gentlemen told us they could act no further as a Committee for as they had particular directions they were Obliged to conform to 'Em: However they proposed that as they and We were Members of the General Assemblys of the Two Provinces (laying the matter of Jurisdiction aside) to try whether we could agree with respect to property & equivalents upon which we offer'd to their Consideration the giving and receiving equivalents for all Such lands as

had been improved within fence twelve years by planting Sowing or mowing — Provided Such land had been granted by the Town in which It lay and the grant and return of laying out fairly entered in the Town book ten years ; Who in reply thereto told us, they could not think what we had offer'd any way reasonable w^ch^ Concluded our Conference.

October 6^th^ 1731 —

Benj^a^ Gambling
Hen Sherburne — Nath^ll^ Weare
R Waldron — Theodore Atkinson

October the 7^th^ 1731 In the house of Represen^ts^
the above Return Read & accept^d^ James Jeffry Cle^r^ Ass^m^

[*Proceedings of Council*, 1731.]

[Mss. Prov. Boundaries, p. 72.]

Pro: of N-Hamp^r^ } At a General Assembly held at Portsmouth by Prorogation Oct^r^ 6 1731 —

Present

The Hon^ble^ Shad^a^ Walton Esq^r^ President

Geo: Jaffry, R Wibird } Esq^rs^ — Henry Sherburne, R Waldron } Esq^rs^

Benj^a^ Gambling Esq^r^

The Gentlemen that went to Newbury upon the affair of the Province lines haveing Sign'd a report of What pass'd there the Same was laid before the Board by Henry Sherburn Esq^r^ and George Jaffrey Esq^r^ likewise reported to the Council the Draught of a representation to be made to His Grace y^e^ Duke of New-Castle relating to the Said lines both which were read and sent down to the House ℔ y^e^ Sec^ry^

Adj^d^ til tomorrow 10 o'Clock A M

Pro: N-Hamp^r^ Met according to Adjournm^t^ 8^br^ 7: 1731

Present as Before

A Message to the House by the Sec^ry^ to desire y^e^ representation Sent down yesterday might be return'd to y^e^ Board, whereupon y^e^ same was brôt up by Mr Atkinson, and then It was read a Second time at the Board & Voted to be Accepted & Sent down again for Concurrence. —

A Message to the Board by Several Members of y^e^ House w^th^ a Vote of the House for an Agent, and likewise a list of Acts & Votes voted to be sent the Secretary of State, y^e^ former of which The Council did not think proper to Act upon, The latter the Concurr'd w^th^ amendm^ts^ & Sent it down by y^e^ Sec^ry^

A Message to the Board by Two Members of the House w^th^ the Newbury Report voted to be Accepted, and the Vote of Council upon the representations, beforementiond concur'd But the Amendm^t^ of the Council upon their Vote relating to the List of Acts & Votes nonconcurrd, & a Vote of adherence to their former Vote. —

A Message to The House from the President by the Sec^ry^ to declare the Prorog^a^ of the Gen^l^ Assem^y^ there to y^e^ 25 feb^ry^ next Pursuant to His Excell^cy^ the Gov^rs^ order w^ch^ was done Accordingly

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[*Appointment of John Rindge, by House*, 1731.]

[Mss. Prov. Boundaries, p. 78.]

In the House of Representatives

Whereas the Vote of this House of this Day for Appointing Cap^t^ John Rindge Agent for this Governm^t^ as far as this house could Impower him was Sent up to the Council for their Concurrence & Approbation this house haveing not heard weither the Council will Joyn in that affair with this house or not & that the Matter might not fall to the Ground Voted that the S^d^ Rindge be Impowerd by this House as their Agent & be Invested with the Powers in S^d^ Vote Mentioned & for the Ends therein mentioned

8^r^ the 7^th^ 1731 — James Jeffry Cl^r^ Ass^m^

Natt^l^ Weare Esq^r^ — Maj^r^ Bar^t^ Thing
Cap^t^ Millet — M^r^ Benj Thing
Maj^r^ Jo Wingate — Cor^ll^ Paul Gerrish Esq^r^

Enters their Discents ag^t^ the above Vote
these Descents paid for all by M^r^ Bar^t^ Thing

[*Governor Belcher to Lords of Trade*, 1732/3.]

[Mass. Archives, Vol. 52, p. 418.]

My Lords

Altho' I have wrote you p^r^ this Conveyance of 5, 8, & 12, Inst^t^ — Yet the Ship being detain'd, I think it my Duty to Say to your Lord-

ships, That I have taken all possible Care & Pains, ever since my Arrival, To have the long contested Boundaries betwixt the Massachusetts & New Hampshire adjusted, according to His Majesty's Royal Orders to me, But I can See no Prospect of it's being accomplisht; And the poor Borderers on the Lines (If your Lordships will allow me So vulgar an Expression) live like Toads under a Harrow, Being run into Goals on the one Side & the other, as often as they please to quarrel, Such is the Condition of His Majesty's Subjects that live near the Lines — They will pull down one anothers Houses, often wound each other, and I fear it will end in Bloodshed, Unless His Majesty, in His great Goodness, give Some effectual Order to have the Bounds fixt. — Altho; my Lords, I am a Massachusetts Man, Yet I think this Province alone is culpable on this Head, N: Hampshire has all along been frank & ready to pay exact Duty & Obedience to the King's Order, and have manifested a great Inclination to Peace & good Neighbourhood, But in Return the Massachusetts Province have thrown unreasonable Obstacles in the Way of any Settlement, and altho' they have for 2 or 3 years past been making offers to Settle the Boundaries with New York & Rhoad Island in an open, easy amicable way. Yet when they come to Settle with N: Hampshire, They will not do So with them — Which seems to me a plain Argument that the leading men of the Massachusetts Assembly are Conscious to themselves of continual Incroachments they are making upon their Neighbours of New Hampshire & So dare not come To a Settlement — I Say, My Lords, in Duty to the King, and from a just Care of His Subjects of N^ew^ Hampshire, I think myself oblig'd to Set this Matter in this Light I now do, nor do I ever expect to See it Settled but by a peremptory order from His Majesty, appointing Commissioners to do it, And those agreed to by both Assemblies Feb^ry^ 1730/1.

Joseph Talcott Esq^r^, Gov^r^ of Connecticutt.
Joseph Jenks Esq^r^, Then Gov^r^ of Rhoad Island
&, Adolph Philips Esq^r^, Speaker of the Assembly at N : York,

are Gentlemen of good Ability & Integrity, and altho' the Massachus^tts^ I fear, will still decline joining in the Affair, Yet I believe New Hampshire from their desire to Peace & good Order wou'd rejoyce to See Such a Direction from the King, and be glad to be at the whole Charge rather than the Dispute Shou'd Still continue. I therefore humbly pray your Lordships So to represent this Affair to His Majesty, That there may be an End of Strife & Contention.

And if your Lordships approve of the Bill I now Send you for Emitting Bills of Credit on a Foundation of Gold & Silver, and that I may have His Majesty's Leave for doing it in the Massachusetts, I

pray I may also have the Same Liberty of doing it in N : Hampshire, where they are in great Distress for Something to pass in Lieu of Money, and without Speedy Help it will be almost impossible for that little Province to Support any Trade.—

I have the Honour to be with all possible Esteem & Respect My Lords

Your Lordships, most obedient & most humble Servant

Boston Janu[a] 13 : 1732/3 J : Belcher

Lords of Trade

[*Petition of John Rindge, Agent for New Hampshire, to the King,* 1732–33.]

[Mass. Archives, Vol. 5, pp. 9–45.]

To the King's most Excellent Majesty in Council

The humble Petition of John Rindge of Your Majesty's Province of New Hampshire in America Esq[r] Sheweth

That Your Majesty's said Province of New Hampshire is under the immediate Government of Your Majesty, and the Inhabitants thereof, from their first Settlement to this day, have at great Expence of Blood and Treasure defended the Same against the Incursions of the Savage Natives as well as of the French in support of your Majesty's Dominion and have constantly shewn the utmost Duty and Loyalty to Your Majesty and Your Royal Ancestors and comply'd with the Royal Instructions in every respect.

That your said Province is very Small, and was and is bounded (to the South) by the Charter Government or large Province of the Massachusets, and (on the other Side) by the Province of Maine, which Province of Maine, since the Year 1691, is become a part also of the said Great Province of the Massachusets, so that the said Province of the Massachusets Extends now and ever since 1691 has Extended on both sides Your Majesty's said little Province of New Hampshire.

That Your said Province of New Hampshire being inclosed (as it were) between the Several parts of the Province of the Massachusets is daily encroach'd and usurped upon by its populous and powerfull Neighbours of the Massachusets both in matter of property and Governm[t] and without Your Majesty's Gracious Interposition will soon be absorbed and Lost as well in disherison of Your Majesty's Crown as to the utter ruin of Your faithfull Subjects and Tenants in new Hampshire who hold immediately of and under Your Majesty.

That Your said Province in New Hampshire never had any Charter but hath ever since the Year 1679 been governed by Commissions granted by the Crown from time to time And all the grants for the Towns in the said Province have been made under and by Virtue of such Commissions And the most Considerable Towns settled in the said Province are call'd by the names of Dover Portsmouth Exeter Hampton Kingston and Londonderry.

That during the Reign of His late Majesty King William the Indian Warr and the French Warr interrupted the making many New Settlements but the several Townships in New Hampshire (as well as in the Massachusets) made Grants of particular parts of their Lands to their respective Inhabitants.

That the Townships of Salisbury, Almesbury and Havarill, three Towns Scituated on the North side of the River Merrimack and Claimed by the Province of Massachusets And also the Townships of Hampton Kingston and Londonderry (which are Scituated more Northerly than the said three last mentioned Towns and are within the said Province of New Hampshire) having each of them granted to their respective Inhabitants Several parcels, perhaps of the very Same Lands as each supposed they had or at least claim'd a right to do, it so happen'd, that when the Grantees under the said respective Townships endeavoured in peaceable times to Settle the Same, many Disputes and Contentions arose as to the matter of Title or property but which were determined by the Courts in the Massachusets in their own favour, And one Special Circumstance which guided and affected the said disputes and in effect determin'd them was that the people of the Massachusets being much more numerous than those of New Hampshire (at least as forty to one) would rate, assess and tax the persons who were Settled really within the Province of New Hampshire and to the publick Charges in the Province of Massachusets and by their power and Numbers destrain for Such taxes and even carry off and imprison the New Hampshire Inhabitantes for pretended Trespasses and Try them and their Causes in the Courts in the Massachusets where to plead to the jurisdiction (when the parties them Selves were to be the Sole Judges in the matter) was to no manner of purpose.

That in this manner and by these means the Province of the Massachusets unjustly extended their bounds — Encroach'd upon Your Majesty's Lands in Your Province of New Hampshire, judged in and decided their own Causes and prevented Settlements under your Majesty's Grants.

And the said Province of Massachusets finally and absolutely decided those Causes without possibility of having Justice from Your

Majesty's determination in Council thereon, because the Sum or matter demanded from a New Hampshire Tenant for his Share of a publick tax to the Province of the Massachusets or the fine for Such Tenants pretended trespass on their Lands might perhaps amount to five or ten Shillings onely, greatly below the Sum for which and Appeal to Your Majesty in Council is allowed, nor Could a young Settler possibly bear the heavy Expence of an Appeal and proving in a legal manner the bounds of each respective Province. And if such young Settler could have born that vast Expence, a Determination on his Single Appeal could only have Settled the point whether his particular spot of Land was or was not within the Limits of the Massachusets Charter, and might not have Settled the general Controversy & quieted the rest of the Inhabitants.

That these sort of proceedings have obliged many of Your Majesty's Tenants in New Hampshire of mere Necessity to Submit themselves in their own Defence to the great Province of the Massachusets, who were able to protect them & who extend their Bounds thereby and reduce New Hampshire to Such Streight Limits and to so few Inhabitants as will absolutely disable them to support y^e^ Charge of Government, and at the Same time and under these Sinking Circumstances the Pet^r^ begs leave to inform Your Majesty, that Your Province of New Hampshire which used to Contribute to publick Charges but a tenth part or proportion of what the Massachusets Contributed has been raised to contribute the fifth part of what the Massachusets Contribute, which nevertheless Your Maj^tys^ Loyal Subjects of New Hampshire with y^e^ greatest Duty and Alacrity immediately acquiesced in it being Your Majesty's Royal Pleasure.

That the forementioned Disputes having happened the said Township of Kingston and Londonderry in New Hampshire attempted all reasonable methods to settle the bounds generally between them and the Massachusets at a very large Expence (near 800^ll^ upon each of those terms) but it produced no effect.

That during the Cessation in the beginning of Queen Ann's Reign, the Massachusets still incroached on New Hampshire by Rating or Taxing People seated near the Sea about five miles North of Merrimack River. But Your Province of New Hampshire was So far from attempting in like manner to Distress the Massachusets Inhabitants, that orders were then given by the Governour and Council of New Hampshire that Persons Seated but near the Division Line Should not be rated at all, and hoped the Massachusets would have given the like Orders, till the Lines could be Settled and therefore proposals were made to have Committees chosen both in the Massachusets and in New Hampshire in May 1711, but nothing was done by the Mas-

sachusets thereon, and in 1713 and 1715 Your Province of New Hampshire again attempted to have the Lines settled but in vain.

That in December 1719 both the Province of New Hampshire and the Massachusets appointed Commissioners, but with this difference that the Com^rs^ chosen by New Hampshire were directed to settle both the Southern and Northern Boundaries of that Province but y^e^ Massachusets Commissioners were to Settle only the Southern Boundary of New Hampshire and those Commissioners met at Newbury in the Massachusets Province, but to prevent Settling any Bounds what ever, the Massachusets Commissioners then insisted to run a Line from three Miles North of the mouth of Merrimack to three Miles North of the head of what they call Merrimack River at Winnisposiokee Pond, w^ch^ was a most extravagant proposal, not at all warranted by their Charter, and would have had the following Consequences, that as the Massachusets Province already incloses New Hampshire on the Southside and on the Northside, such a Line, as then proposed, would have Cutt of all the head or Eastern part of New Hampshire also, and would have taken from Your Maj^tys^ Province of New Hampshire all the settled Towns and Townships of Londonderry and Kingston, and a very great part of Hampton and of Exetor and many other Lands, so that New Hampshire would only have had two of its old Towns Dover and Portsmouth left, and not any Land to Enlarge their Settlements But would have been Confined to a very small strip of Land bordering upon the sea, and woud have been inviron'd and Surrounded on all the other three Sides by the Massachusets Province ; But the Commissioners for New Hampshire, who had no power by any Consent to deprive Your Majesty of Your Lands in so extravagant and unreasonable a Manner, wou'd by no means agree to any such Line, and that Meeting broke up.

That this extroardinary attempt on the part of the Massachusets Obliged the Assembly of Your Majestys Province of new Hampshire in the following Year 1720 to put themselves to the Expence of an agent in London to Sollicite a just Settlement of the Lines here, who presented Several Representations and Addresses from the Province of New Hampshire on that head.

That sometime After the said Meeting of the Commissioners at Newbury in 1719 the Province of New Hampshire chose a Committee to run a Line 3 miles North of Merrimack River, and the Massachusets also chose a Committee to run that Line and the Commissioners run the Line Seperately, which Lines very nearly agreed so farr as they were run by New Hampshire, as your Petitioner is informed.

That the Province of the Massachusets have actually sold great Parcels of Your Majesty's Land not only three Miles North of Mer-

rimack but about 40 Miles North of the same, particularly one large Township called Penicook, and have received a large sum of Mony for the Same, tho very Manifestly within Your Majesty's Province of New Hampshire, and tho the purchasers were forbid Settling there by Your Province of New Hampshire.

That after these encroachments upon Your Majesty's Lands and Disturbances given to Your Majesty's Tenants in Your Province of New Hampshire Your Majesty was pleased by Your 77th Instruction to Jonathan Belcher Esqr Your Governor over New Hampshire, (and also Governor over the Province of Massachusets Bay) to take notice of the long continuance of the Dispute between the said Provinces, in relation to their Boundaries and to declare Your Royal Judgment, that it was for Your Service, as well as for the Peace and Tranquillity of the said Colonies that the Dispute Should be adjusted and a Line marked out to Divide the said Provinces in all times to come. And therefore Your Majesty thereby directed Your said Governor to propose to the general Assembly of each of the sd Provinces respectively that discreet & indifferent Persons Should be chosen by each of the said Assemblies out of some of the Neighbouring Colonies under Your Majesty's immediate Governmt with sufficient powers to draw the said Boundary Line, and finally to determine the Dispute between the said Provinces, whose proceedings therein were to be laid before Your Majesty and to be of no Effect till your Royal Pleasure should be signified thereon

That the said Instruction was communicated to the Assembly or House of Representatives of Your Province of New Hampshire the 26th day of August 1730 who were desirous to obey Your Majesty's Royal Commands, that within three days then after they passed a Vote appointing David Dunbar Will: Wanton and John Witing Esqrs a Committee for New Hampshire to joyn with as many to be appointed a Committee by the Massachusets to Adjust as well the Northern Boundary Line between New Hampshire and the late Province of Maine as the Southern Boundary Line of New Hampshire between it and the Massachusets according to Your Majestys Instructions, and resolved that a proper Commission Should be made out by the Governor to the said Gentlemen and appointed a Committe to inform and instruct them in the Affair, and that the Charges Should be born out of the publick Treasury. And afterwards in August, October and Novr 1730 and in April, May July and Septemr 1731 Your Majesty's Province of New Hampshire passed Several Votes and Resolutions and appointed Several Committees to meet those of the Massachusets Bay, in order to Settle the Bound Lines or to prepare a Bill to be passed in both Provinces in order thereto, but to no manner of Purpose.

And on the 24 and 25 of Septem^{r} 1731 the Council of New Hampshire appoint'd Henry Sherburn, Richard Waldron, Benja^{n} Gambling and Nathaniel Weare Esq^{rs} and the Assembly appointed Nathaniel Ware, Joshua Pearse, Theodore Atkinson and Your Petitioner John Rindge to be a Committee to meet the Massachusetts Committee, in order to Settle the matter in dispute.

That upon the Seventh of October 1731 the Assembly of New Hampshire met againe and received a Report from their Committees that they had met y^{e} Massachusets Committees at Newbury on the 30th of Septem^{r} to try to agree upon a preliminary Bill to Settle the Divisional Lines of both Provinces, but to no manner of purpose, for that the Instructions which the Massachusets had given their Committee were much Straiter and more against the Intrest of Your Maj$^{ty's}$ Province of New Hampshire than an Act which the Massachusets had passed in Feb^{y} 1730, and which the Assembly of New Hampshire could by no means agree to, in regard the Massachusets Committee were direct'd by their Instructions to Insist, that Provision Should be made in the Bill that all Such Lands or Towns which either Government were in Possession or Improvement of by Virtue of any Antient grants should be reserved to the Several Governments, both as to Jurisdiction and Property, which (if agreed to) would carry the dividing Boundary at least eleven Miles and three quarters to the Northward of Merrimack, instead of three Miles which the New Hampshire Committee could not comply with, insisting that the Line which the Commissioners should fix three Miles to the Northward of Merrimack River according to the Intent of the Massachusets Charter ought to be the Boundary, as to Jurisdiction, whatever might be consented to in respect of Property, upon which the Massachusets Committee refused to proceed any further, saying that as they had particular Directions they were obliged to conform to them.

That the said Committee for New Hampshire prepared a Draught of a Representation to be sent upon that occasion to Your Majesty's principal Secretary of State relating to the said affair.

And the said Report and Representation were read and approved of by the Council and Assembly of New Hampshire and were together with the Votes, Acts and Papers humbly transmitted to Your Maj$^{ty's}$ said Secretary of State accordingly.

And Your Assembly of New Hampshire, by Vote of the said Seventh of October 1731, reciting their unwearied application and the Disappointments they had met with in Endeavouring to Settle the Bound Lines and that Your Petitioner John Rindge was coming over to great Britain, they therefore Voted Your said Petitioner Chosen

and appointed by the said Assembly, as an Agent to Represent Your Majesty's said Province in great Britain with such full Power & Authority as the House could give about the Premises.

In pursuance of which Power Yo^r^ Petitioner as Agent for the House of Representatives of Your Majesty's Province of New Hampshire, as well as in his own behalf, most humbly begs leave to Inform Your Majesty that the Clause proposed in behalf of the Massachusets to allow to each Province the Property and Jurisdiction of Lands Respectively seated by them was by no means a fair or equal proposition, nor was at all Calculated for reciprocal or mutual Benefit, but would have advantaged the Massachusets Province only who have encroached greatly beyond their Bounds, whereas in fact your Majesty's Province of New Hampshire hath never Settled beyond its just Bounds.

Your Petitioner likewise craves leave to Represent to Your Majesty that the Province of the Massachusets has by its Charter certaine limitted Bounds, beyond which they have no Colour of Property or Jurisdiction, and Such Lands as are not within their Bounds do unquestionably appertain to Your Majesty as part of your Majesty's Province of New Hampshire.

That the Dispute between Your Majesty's said Province and the Massachusets lyes within a very narrow Compass & may (as your Petitioner is advised) be clearly discussed and Settled here by Your Majesty's Authority or indeed might with great ease have been Settled in the Provinces had the Massachusets been as well inclined thereto as Your Province of New Hampshire has all along Shewn it self. But it appears plainly to be the intention of the Massachusets to keep this Dispute open and unadjust'd and they think it their Intrest so to do because, during such time, they have and do incroach upon Your Majesty's Lands and then expect (as they actually insisted at the aforementioned meeting) that the Lines Shall not be run according to the true Bounds of their Charter, but that they Shall enjoy the property and Jurisdiction of all their Incroachments.

That however manifestly unreasonable and Illegal such pretensions on their part is, yet your Majesty's Small Province of New Hampshire is and, its humbly conceived, will allways be unable to procure the Lines to be truly run in America, however obvious and plain the case appears, because of the great inequality between the two contending Provinces, and the vast Superiority interest and Power of the said Province of the Massachusets in America over that of new Hampshire, especialy as both Provinces are under one and the same Governor, whose Native Interest in the present Case may incline him to favour the Massachusets, where his whole Fortune lyes and from whence five parts in Six of his Appointment Arises.

Your Petitioner therefore most humbly beseeches that Your Majesty would be graciously pleased to determine here the differences subsisting between the said Provinces touching their Bounds on both sides of Your Prcvince of New Hampshire. And in order thereto Your Petitioner humbly begs leave to annex the Map hereunto affixt and to represent the following Matters.

1620 That the first Charter granted by the Crown which respects the matter in Contest was to the Council of Plymouth, and bore date the third day of November in the Eighteenth Year of King James the first, and contained a Grant of all that parte of America lying and being in breadth from forty Degrees to the forty eighth degree of Northerly Latitude, from y^e^ Equinoctial Line inclusively, and in length of and within all the breadth aforesaid throughout all the Main Lands from sea to sea.

1627 That the said Council of Plymouth by Indenture dated the 19^th^ of March in the third Year of King Charles the first Granted to Sir Henry Rosewell and others all that part of New England which lies and Extends between a great River there, Commonly called Monamack alias Merimack and a certain other River there called Charles River, being in a Bottom of a certain Bay there commonly call'd Massachusets Bay. And also all Lands and Hereditaments lying within the Space of three English Miles on the South part of the said Charles River or of any and every part thereof, and also all Lands and Hereditaments within three english Miles to the Northward of the said River called Monamack alias Merrimack, or to the Northward of any and every part thereof, and all Lands and Hereditaments Lying within the limits aforesaid North and South in Latitude and in breadth & in length and Longitude of and within all the breadth aforesaid throughout y^e^ Main Lands there from the Atlantick and Western sea and Ocean on the East part to the South sea on the West part.

1628 That the said King Charles the first by Letters Patent under the great Seal of England bearing date at Westminster the fourth day of March in the fourth year of His Reign, did grant and confirm to the said Sir Henry Rosewell and others all the said Lands lying and Extending between the Bounds and limits in the s^d^ last recited Indenture expressed. And also Created and made the said Sir Henry Rosewell and the other Persons therein Named a Corporation by the name of the Governor and Company of the Massachusets Bay in New England.

That the said first Grant from y^e^ Crown to the Massachusetts contained all the Lands from sea to sea between Merrimack and Charles River and also three Miles South of Charles River and of every part

thereof and three Miles North of Merrimack River and of every part thereof.

That after the aforesaid Grant by the Council of Plymouth and some other Grants made by them the said Council of Plymouth in the Year 1635 Surrendered their Grant (of the eight Degrees from sea to sea) to the Crown.

1684 That in Trinity Term in the 36th Year of King Charles the Second Judgment was given in the Court of Chancery upon a writ of Scire facias against the said Governor and Company of the Massachusets Bay in New England that the said Letters Patent to them of the fourth of March in the fourth Year of King Charles the first Should be Cancelled Vacated and Annihilated, and for Several Years following that time, the Massachusets had no Charter.

That in the Years 1627 and 1628 when the first Grant and Confirmation was made to the Massachusets the Coast of New England was very imperfectly known, much less the Course of the Rivers up in the Country, or the Inland parts of that Continent.

That the great River Monamack alias Merrimack empties it self into the Atlantick sea or ocean, and Your Petitioner humbly conceives it is very Clear from ye Express Words of the first Grant and Confirmation to the Massachusets that they were then to have in length from the Atlantick sea or ocean on the East part to the South Sea on the West part and in breadth from three Miles North of Merrimack River and to three miles South of Charles River which of Force must be east and west Lines.

And the Course of the River Merrimack (which is the matter more particularly in Question) Strongly fortified that opinion, as the Course was pretty near due West up into the Country, the same upon later and more certain and exact enquiries having been found to keep that Course generally not only for ye Space of aboute fifteen Miles which the Tide flows to, but even for about 35 Miles from the sea in all which Space the general Course is West inclining in some place a little to the Southward of the West and in other places a little to the Northward of the West. And then a River which the Massachusets would also call Merrimack turns off at Dunstable and runs a general North Course (or pretty much so) for the Space of about fifty five Miles, sometimes inclining to the Westward of the North and, othertimes inclining to the Eastward of the North, and then it runs near North East about twenty Miles further to Winnispisiokee Pond or Lake.

That it was always understood by the said Province of the Massachusets under their first Charter that their Northern Bound, from sea to sea, was to run due West notwithstanding their said first Charter

gave them three Miles North of Merrimack River and of every part thereof & accordingly they insisted in the manner herein aftermentioned.

That before the said first Charter to the Massachusets was Vacated as aforesaid M^r George and Mason having Petition'd his late Majesty King Charles the Second in Council complaining of Encroachments then made by the said Province of the Massachusets the Governor and Company of the Massachusets Bay in New England presented to His then Majesty in Council a brief Declaration of their Right and Claim, wherein they expresly Asserted that their then Pattent according to the express Terms therein contained without any Ambiguity or Colour of other Interpretation lay between two East and West paralel Lines, drawn from the most Southerly part of Charles River and the most Northerly part of Merrimack, with three Miles advantage upon each, being to extend in full Latitude and breadth from sea to sea. And therefore they insisted that it could not be bounded by many hundreds or by infinite numbers of Lines as the River Merrimack made Bends or Angles in two hundred Miles passage from Winnispisiokee Lake to the mouth thereof which to imagine (they declare) would be irrational and would involve themselves and any Borderers in many inextricable Disputes.

That however the said Governor and Company then contended for their Northern bound Lines running due East & West yet they seem'd to insist that the said Northern East and West Line Should be three Miles North of the most Northern of every or any part of Merrimack River founding themselves upon some words which they construed that way in their then Charter.

1691 That on the Seventh of October in the third Year of the Reign of their late Majesties King William and Queen Mary, a New Charter (materially diferent from the former) and under which only the Massachusets can now claim was granted to the Province of the Massachusets Bay, and thereby the Massachusets Bay, New Plymouth the Province of Main the Territories called Nova Scotia and the tract of Land between Nova Scotia and the Province of Main was erected united and incorporated into one Province by the name of the Masachusets Bay.

And by the said Charter their Maj^ties granted the Bounds and Limits in the following words namely. "All that part of New Eng-"land in America lying and extending from the great River com-"monly called Monamack alias Merrimack on the North part, and "from three miles Northward of the said River to y^e Atlantick or "Western sea or ocean on the South part, and all the Lands and "Hereditaments whatsoever lying within the Limits aforesaid and

"extending as far as the outermost Points or Promontories of Land "called Cape Codd and Cape Mallabar North and South and in Lat- "itude breadth and in Length and Longitude of and with all the "breadth and Compass aforesaid throughout the main Land there "from the said Atlantick or Western sea or Ocean on the East part "towards y^e^ South Sea or Westward as far as our Colonies of Rhode "Island, Connecticut and the Narraganset Country. And also all "that part and portion of Main Land beginning at the entrance of "Piscataqua Harbour, and so to pass up the same into the River of "Newickwanock and thrô the same into the furthest head thereof "and from thence Northwestward till 120 Miles be finished. And "from Piscataqua Harbor mouth aforesaid Northeastward along the "sea Coast to Sagadehock. And from the Period of 120 Miles afore- "said to cross over Land to the 120 Miles before reckoned up into "the Land of Piscataqua Harbour thrô Newichwanock River. And "also the North half of the Isle of Shoals together with the Isles of "Capwock and Nantucket near Cape Codd aforesaid. And all the "Lands and Hereditaments lying & being in the Country or Terri- "tory commonly called Acadia or Nova Scotia, and all the Lands and "Hereditaments lying and extending between the said Country or "Territory of Nova Scotia and the s^d^ River of Sagadehock or any "part thereof.

That the Northern Bounds of the first Tract or part of Land thereby granted were to be three Miles North of the great River of Monamack alias Merrimack. And as the Massachusets had contended under their former Charter to have their Northern Boundary to be a due East and West Line, altho their first Charter would Scarce admit of such a construction their Northern Boundary being directed to be three Miles North of Merrimack River or to the Northward of any and every part thereof; So the last Charter Seems to have avoided that doubt by solely directing the North Bound (now) to be three Miles Northward of the great River of Merrimack, leaving out the former words of three Miles Northward of any and every part thereof.

That under this new Charter Your Petitioner is advised the Province of the Massachusets Bay cannot claim for their Northern Boundary towards Your Majesty's Province of New Hampshire any more than a due East and West Line, to begin from the Atlantick or Western sea or Ocean three English Miles due North of the mouth of Merrimack River.

And Your Petitioner is advised that if that Should be so determined the Southern Bounds of Your Province of New Hampshire might with very great ease and clearness be then ascertained.

That the said Province of the Massachusets Bay cannot legally pretend to have their Northern Bounds be 3 Miles North of the head of

Merrimack River or what they woud now call Merrimack River near or at the great Lake or pond called Winispisiokee because that part of the River is not nor ever was called by the Indians Merrimack, but only the lower part of it from the sea or Mouth of the River about twenty Miles up into the Country for which space it runs very near East and West was called Merrimack, and because if Your Petitioner were to admitt that even to the head of that River was really called Monamack or Merrimack, Yet they cannot be pretended to be the great River of Merrimack, mentioned in the New Charter, seeing the largest part of the River (which must be understood when called the great River is like other Rivers at the mouth of it next the sea and when it has run pretty near west) but about Sixteen miles to Haverill it then so far ceases to be a great River that the Tyde does not flow up into it, and a Little above Haverill it's fordable, and in Summer time Dry, which therefore cannot be understood to be the great River mentioned in the Charter. And there is another Matter also in the New Charter which will not admitt of the Massachusets Northern Bounds running East and West at three Miles North of the head of what they call Merrimack River, because the Next distinct parcell of Land granted to the Massachusets by the New Charter Skips (as it were) over Your Majesty's Province of New Hampshire and begins again at Piscataque River (more northwards than New Hampshire is) and Grants to the Massachusets the Lands there formerly called the Province of Main and other Lands, again Yet more northward than the Province of Maine, but such a Construction as to take the Northern Bounds of the first granted Lands to be three Miles North of the head of Merrimack River would include Your Majesty's whole Province of New Hampshire which had many Years then before been a Setled Province by the name of New Hampshire, and is not once mentioned throughout the whole Charter, thô all the other Provinces or Colonies, intended to be hereby granted, are by name Expressly mentioned and woud make the said new Charter vain in granting de novo the said other more Northern Lands as the Province of Main &c^{a}, and seeing that under such a Construction they woud have being already granted within the Bounds of the Lands granted in the first part of the Charter.

That the New Charter for the Massachusets does as Your Petitioner is advised in another respect direct the running a West Line for the Northern Boundary of the Antient Massachusets Colony as it directs the Line Shall begin from the Atlantick sea on the East &c^{a}, and run to the South on the West part, or so farr towards the South sea (or Westward) as the Colonys of Rhode Island Connecticutt and the Narrhagansett Country.

And that as the New Charter has directed no other Course that that Bound Line shall run, it must be taken to be a Streight Line or a Due West Course.

Also that from the plain words of the Charter, the Bound Line is to begin at the sea, at the Atlantick sea, three Miles North of the great Merrimack River and not to begin as woud now be contended by the Massachusets up at an uncertain small head of a River within Land fifty Miles Westward up in the Country, where the Scituation cannot be Supposed to have been so well known as upon the Coast which must have been first discovered and longest and best known.

That the great disputes which have hitherto Subsisted between the Province of the Massachusets Bay and Your Majtys Province of New Hampshire have been relating to the said Line three Miles North of the great River of Merrimack.

But as the Massachusets also Adjoyn to Your Province of New Hampshire on the North side by that which was formerly the Province of Main, and which by their New Charter was granted to them, Your Province of New Hampshire have too much reason to apprehend the like difficultys in Setling that also, especially as the Massachusets have never been willing to run that Bound Line, unless Your Majesty shall be graciously pleased to determine those Bounds also, by explaining the New Charter granted to the Massachusets, which in that Respect has directed the Bounds to begin at the entrance of Piscataque Harbour and so to pass up the same into the River of Newichwannick, and thro the same into the farthest head thereof, and from thence North Westward till 120 Miles be finished, the Term North Westward in Sailing and in Geography not Importing as your Petitioner is Advised a Line due North West, but a North Line part of a Single point of the Compass to the Westward of the North.

Now forasmuch as Your Majesty's Prerogative and Interest and the Peace and Quiet of Your Faithfull Subjects, and the Settlement & Improvement of the Countrys in those parts are all greatly Affected by the said Disputes remaining open and unsettled, And for that Your Province of New Hampshire hath already Endeavoured, from time to time, by all possible means in their power to Adjust the same upon the spot, but without any manner of Sucess, And is at this time under so many hardships and Oppressions from the Province of the Massachusets that above 500 Inhabitants have (as Your Petitioner is informed) lately sent over their heavy Complaints on this affair to Your Majesty's Commissioners for Trade & Plantations

Your Petitioner most humbly beseecheth Your Majtys Gracious Consideration of the Premisses, and that you will be pleased to appoint a Day for hearing Your Petitioner by his Councill, as also the Agent

for the said Province of the Massachusets Bay hereon, And that Your Majesty will be pleased by Your own Royal Determination to declare and Ascertain the Several Boundarys of Your said Province of New Hampshire and to afford all such releif to Your faithfull and oppressed Subjects and Tenants in the Premisses as to Your Majesty's great Wisdome & Justice shall seem meet

And Your Petitioner as in Duty bound shall ever pray

Exd

[*N. H. House to Gov. Belcher*, 1732/3.]

[Mss. Prov. Boundaries, p. 80.]

May it Please Yo^{r} Excellency

This house haveing rec^{d} Many and great Complaints of the Extreem Difficulties his Maj^{ties} Subjects in this prov^{s} Labour under by the Incroachments of ou[r] Neighbours the Inhabitants of the Mass^{a} which are Dayly Made on the land of the Inhabitants of this his Maj^{tis} prov^{s} p^{r}ticulerly in the Towns of Bow Londonderry & Kingstown Some of which Towns have greatly Suffered by haveing their Inhabitants, carryed into the County of Essex in the prov^{s} of the Mass^{a} & there Tryed & Condemned in great Cost Even to the Impoverishing the S^{d} Towns, Some of which Towns p^{r}ticulerly the Town of Bow, who Erected a House for Defence in Case of a war and for the Publick Worship, was burnt & Distroyed, which greatly retards the Settlements of the S^{d} Town and if not Prevented will render it Impracticable to Settle the Same, According to the Intent & Meaning of their Charters, Wherefore this House Begs leave to Adress Yo^{r} Excellency, in behalfe of those poor Distressed People, and pray that yo^{r} Excellency would be pleased to recomend to the Gen^{ll} Assembly of Your Other Goverm^{t} that they put a Stope to all Such proceedings untill his Maj^{tie} Shall graciously be pleased To Order the Settlem^{ts} of Boundary Lines, and to Assure yo^{r} Excellency that this House will readily Joyne with Yo^{r} Excellency & the Hon^{ble} the Councill in passing any Votes that Shall be thought Necessary on the part of this province to Effect the Ends aforesaid

In the House of Rep^{r}sentatives March 7th 1732/3

Geo Walton Cl^{r} protem^{y}

[*Vote to Suspend Lawsuits*, 1732/3.]

[Mss. Prov. Boundaries, p. 79.]

In the House of Representatives 9th March 1732

Whereas great inconveniences arise, by the frequent Lawsuits, commenced against people claiming property in the Land near the boundary lines, between this Province and the Province of the Massachusetts, which greatly Impoverishes all that are concern'd therein, and no ways Quietts the People in their possessions, or Confirms their property, for what hath been done by one Government, hath often been reversed and undone by the other, which creates great and needless expences & trouble, to the poor Inhabitants on those Controverted Lands —

Wherefore Voted that no Action of trespass Or Ejectment, be commenced from and after the first day of May next, against any person either for trespass, or tryall of title on any of the aforesaid Lands in Controversy between ye Governments untill the lines be ween the Government's are determin'd, & Settled or till further orders, Provided Nevertheless, that this Vote shall not be in force, unless, the Governmt of the Massachusetts pass a vote in Substance like this, & to Continue, for the same Time —

George Walton Clr protemy

In Coun^{l} March 10th 1732/3
Read and Concurrd — R Waldron Secry
Same day Consented to — J Belcher

[*Extract of Letter from Agent Wilks to Secretary Willard, Feb.* 12, 1733/4.]

[Mass. Archives, Vol. 52, p. 430.]

Mr Secretary — Copy ℔ Capn Crocker.

Sr I have the Honour to advise you of my having duly receid ye Instructions & Papers Ordered by the Generall Court relating to the Boundaries between the Province of ye Massachusetts Bay & New Hampshire also Instructions to Apply for releif against the Paying sixpence per month to Greenwich Hospital so far as it affects the Fishery.

In Obedience to y^e^ former I have several times Attended at the Board of Trade upon Notice from the other side & about ten days ago their Lordships heard what we had to offer.

I observed first that Cap^n^ Ringe was not Appointed by y^e^ Goverment of New Hampshire to petition in this affair but by the House of Representatives only. And the sole power about setling their Lands being in the Govern^r^ & Councill who not having joyn'd in the Application should their L'dships proceed to settle the Line, and it not prove to their liking an objection might be made that they were not heard upon it, & therefore the determination should not be binding on them.

The Solicitor on the other side signified a Surprize that such an Objection should be made after the Petition had been before His Majesty refered to a Committee of Council & from thence to that Board &c^a^ after some farther Debate their Lordships determin'd not to allow it. I then Acquainted their Lordships I was fully Instructed to say in behalf of the Province of y^e^ Massachusets Bay that they were ready and willing to have the Boundaries setled & would Submit the whole matter without any limitation to the determination of Commissioners to be appointed for that purpose.

In Answer to that the Solicitor for New Hampshire took great pains to convince their Lordships of its being necessary first to explain the Words in the Charter which fixes the Bounds to be three Miles to the Northward of the River Merrimack.

The Debate lasted a great while, and will be too tedious to Repeat, At last their Lordships asked me if I had Authority to engage in behalf of the Province that a determination should be submitted to of Commissioners Appointed by that Board out of the neighbour^s^ Governments & that they should have the matter refer'd to them w^th^out any Limitation I Answered I thought I had. Upon which I was directed to give it in Writing in as clear & ample a manner as possible against another day & so Adjourn'd.

I have since left with the Secretary a Writing for that purpose Copy of which you have inclosed but as I found my Instructions silent about submitting the matter to be determined by Commissioners Appointed from hence I have been with some of the Lords, and am making what Interest I can that the affair may be put off till I write to N E : & receive Answer with full Authority to lay such a Submission before their Lordships as seems to be required, And that the other side do the same to New Hampshire, but this is a matter still depending. If it be agreeable to the General Court to submit the affair in such a manner, it may be proper to furnish me with ample Instructions by the very first Oppertunity to be made use of,

if there be no other determination in y^e^ mean time, Also to send me the Names of some persons that shall be thought proper for Commissioners that I may recommend them to the Board whose favour in this affair I have great hopes of.

I Apply'd to M^r^ Dummer for the Papers I was directed but that intituled a State of the Case he has mislaid & can't find it the rest he gave me. * * * *

[*Massachusetts Submits to Settlement by Commissioners*, 1733/4.]

[Mass. Archives, Vol. 5, p. 50.]

To the Right Honr^le^ The Lords Commissioners for Trade and Plantations —

My Lords

Pursuant to Instructions I have receivd from the great & Generall Court or Assembly of his Majestys Province of the Massachusetts Bay in New Eng^d^ in relation to the Petition of M^r^ Rindge touching the Controversy between the said Province of the Massachusetts Bay & New Hampshire about their Bounds and praying a settlement thereof, I do hereby as Agent of the said Province of the Massachusetts Bay & for & on their behalfe humbly Submitt it to Your Lordshipps, & do hereby Consent & agree, That the Said Boundarys may be determined & Settled by wise disinterested Persons of the Neighbouring Governments to be Nominated & Appointed for that purpose by His Majesty or yo^r^ Lordships, and I do further Agree and Consent for the said Province of the Massachusetts Bay that the said Commissioners shall have the matter in Controversy left to them fully and without any Limitations, saving only that the Lines however they may happen to be run do not Affect the Property of Particular persons.

All which is with the Utmost Defference Submitted to Your Lordships consideration by my Lords

Your Lordships Most Obedient and Most humble Serv^t^

[Francis Wilks, Mass. Agent.]

London y^e^ 15^th^ February 1733/4

[*Petition of John Rindge to Commissioners for Trade and Plantations*, 1733/4.]

[Mass. Archives, Vol. 5, p. 47.]

To the Right Hon^ble^ The Lords Commission^rs^ for Trade and Plantations.

The Humble Petition of Jn° Rindge of his Maj^ties^ Province of New Hampshire in America Esq^r^ Sheweth/

That your Petitioners Petition to His Majesty in Council, praying His Majestys Determination & Ascertainment of several Boundarys of his said Province of New Hampshire having been referred to a Committee of His Majes^ys^ most Hono^le^ Privy Council, and again to Your Lordshipps; The Agent for the Province of the Massachusetts Bay, instead of puting in an Answer thereto, on the strict Point of the Bounds, as by yo^r^ Lordships order of May last (Nine months ago) he was commanded, has at last, laid before Yo^r^ Lordships, his Submission, that the Lines in Controversy, should be run by Commissioners to be Appointed by His Majesty, or Your Lordships, and to be taken out of the Neighbouring Provinces, or to some such Effect.

That Your Petitioner Apprehends the Lines must of Necessity be run upon the Spot, by Commiss^rs^ there, And can have nothing to object to the same, being done by Persons to be Authorized for that purpose by Commission under the Great Seal here; Which Commission (Your Petitioner humbly prays Yo^r^ Lordships) may direct a short limited time for y^e^ running the said Lines

But Your Petitioner is under the Necessity of humbly representing to Your Lordships that the Question which has so long been depending is, At what place y^e^ South Boundary of New Hampshire, or which is the same thing the Northern Boundary of the Massachusetts Bay (in that part which Bounds to the Southward on New Hampshire) shall begin and what course it shall run?

And that Question its apprehended will receive its determination from the true and Legal Construction of the terms of the Charters Granted by the Crown to y^e^ Massachusetts Bay, and may not therefore be proper for the Determination of mere Surveyors or Mathamaticians in America, but may be proper for his Majestys own Royall Determination, assisted here with the advice of His Privy Council & of Your Lordships.

That when once the Charter is Legally construed and the Place of beginning the Bound Lines, and likewise the course they are to run is fixed; The matter will go of Course and His Majestys Commis-

sioners can then have very little trouble or difficulty in running the Lines.

That your Petitioner in his Petition to His Majesty has offer'd such Arguments, as he is advised by his Council do manifestly shew, that one of the Lines in Question was intended by the Crown to begin at the Atlantick Sea or Ocean, three Miles North of the Mouth of the great River of Monomack al's Merimack; And was to run Parrallel to the South Boundary Line of y^e^ Massachusets; which is West 6½ Degrees North, for variation to be the same Breadth in Latitude & Length in Longitude quite from y^e^ Atlantick Ocean to the South Sea.

That as to the Pretence of any particular Maps being erronious Your Petitioner apprehends it can be of very Little consequence, the Lines not being to be run here; and only prays that the place from which they are to begin may be fixed pursuant to the true intention & meaning of the Charter, Three Miles North of the Mouth of the great River Merimack, the Mouth of which river is known & plain to every Body and which three Miles may most easily be measured off, by the Commissioners, and then to run a West Line Six Degrees and a half North, as farr as they can across the Main Land towards the South Sea.

That to run Lines by any Commissioners whatever first before that Point is determined, And after they are run then to come back again from America, upon a dispute whether such Lines begin at the true place & run the true course as Appointed by the Charters, may undo, all that shall be done and render vain and fruitless all the trouble & Expences of the Partys & Commissioners & His Majestys & your Lordships good Intentions, for the settling the matters in Dispute, and will be of further disservice to His Majestys very small Province of New Hampshire by keeping this Controversy Open for many more Years yet to come.

Wherefore as the whole Scope of Your Petitioners Petition to his Majesty is that the place where the said Lines shall begin & the Course in which they are to run (which Your Petitioner conceives to be the first Points) may be here Determined, And as what is the secundary Point seems now to be agreed namely that his Majesty should appoint the Commissioners for running the Lines.

Your Petitioner humbly prays Your Lordships to appoint a day for hearing all Partys, by their Council learned upon those points where the Lines shall begin And what course they shall run; And that after those Points are determined Your Lordships will be pleas'd to report as Your Opinion to His Majesty, that a Commission be Issued for running the said Lines according to such Determination

And Yo^r^ Petitioner shall [torn]

Febru^y^ 15^th^ 1733/ Fred : [torn] for the [torn]

[*Extract of Instructions from Massachusetts Government to Agent Wilks*, 1734.]

[Mass. Archives, Vol. 52, p. 434.]

Boston Apr. 16, 1734.

Sir. Yours by Capt Crocker of Feb. 12th and 15th: together with Your proposals to the Right Honourable the Lords Commissioners for Trade and Plantations of terms for Submitting the Controversy with New Hampshire, of the 1st & 15th of that Month, We have receiv'd. Your first understanding of Our Instructions, that the Persons should be *chosen here*, as well as *be here* on the Spot, was according to our True Meaning, And the last Submission, We think cannot be warranted by the Instructions You Receiv'd from the Court, However, We would hope You carry'd things as far as you could for us, And if Commissioners should be appointed on Your side of the Water, We desire You would take the Utmost care that none under any prejudice against this Province may be Judges in this affair, particularly, that no Persons of Rhode Island Government may be nam'd to Issue this Controversy, there having been a dispute with that Governmt about the line between Us and them now for several years, in which they have shewn great heat of spirit, and used very violent proceedings; It is Possible the Colony of New York, may be mentioned on this Occasion, but it should be Observed, That they are above Three Hundred Miles from the line controverted, and for that reason it will be a great Expence and hardly possible to prevail with Gentlemen to come so far, there is also a considerable controversy about the line or boundary, between this and that Government, which may probably give them a byass, and prevent that Impartiality in their determinations, His Majesty desires, and gives such Instances of, in the Course of his Wise and Just administration. But In the Colony of Connecticot, who are between New York & us, and have no Controversy either with us or New Hampshire, and are intirely disinterested, there may be found persons the most likely to Terminate this Controversy Equitably. We would not Pretend to name any particular persons, And if the Governr or in his absence the Deputy Governr with the Six Senior Assistants or Councillors that can attend it, to make Seven, were appointed, We could not name them, for they are all to be Chosen or appointed a new, the second Thursday of next Month by their Constitution, this method seems most likely not to fail, as there are twelve men to take Six out of, if Sickness or any unforeseen Accident should hinder some; And as no body can tell beforehand who they will be, And in that Government they have no

attachment or prejudice to either side, We think it the most likely method for an Equal decision. * * * *

[*Extract of Letter from Agent Wilks to Speaker of Mass. House, Aug.* 31, 1734.]

[Mass. Archives, Vol. 52, p. 438.]

* * * The Affair of the Boundaries with New Hampshire remain in the same Posture as when I last wrote. I am very glad the Generall Court has favour'd me with so clear a state of the Case, And with so much reason and argument, as by yours of the 3^{d} of July, I am now under no Apprehensions but that when the affair comes to be considered, by the Attorney & Solicitor Generall The Lords of Trade, and the Lords of the Councill (which is the course it must take) it will end in a determination agreeable to the Generall Courts just sense of the matter. * * *

[*Extract of Letter from Agent Wilks to Speaker of Mass. House,* 1735.]

[Mass. Archives, Vol. 52, p. 442.]

(Copy ℔ Cap^{n} Bayly :)

M^{r} Speaker, London March 29th 1735.

S^{r} My last was dated the 17th Ult^{o}, which hope you'l receive since which the Attorney & Sollicitor Gener^{l}, have reported to the Lords of Trade that its their Opinion the boundary with New Hampshire ought to begin three Miles North of the Mouth of the River Merrimack but mention nothing of what course it should take from thence I have attended their Lordships upon it who were of Opinion to proceed in forming a Report to the R^{t} Hon^{ble} the Lords of the Committe of his Majestys most Hon^{ble} Privy Council without hearing anything further from the Agents on either side but with some difficulty I prevailed on their Lordships to Indulge me so far as to be first heard by Council in behalf of the Massachusets and accordingly the 18 of May is appointed for said hearing — * * *

[*Report to Privy Council,* 1735.]

[Mss. Prov. Boundaries, pp. 86–88.]

To the Right Honourable the Lords of the Committee of His Majesty's most Honourable Privy Council.

My Lords

PURSUANT to your Lordships Order of the 16th Day of April 1733, we have examined the Petition of John Rindge of the Province of New-Hampshire in America Esq[r] complaining, in behalf of the Inhabitants of that Province, of great Encroachments upon their Lands, & other Oppressions, which they have suffer'd from the People of the Massachusetts Bay both in matters of Property & Government, for want of fixed & known Boundarys betwixt the said Provinces, which the People of New Hampshire have in vain used their best endeavours to settle in conjunction with those of the Massachusetts Bay, wherefore he most humbly prays His Majesty to declare & ascertain the several Boundarys of the Province of New-Hampshire, & to afford His oppressed Subjects of that Province such Relief in the Premisses, as to His Majesty in His great Wisdom & Justice shall seem meet. —

We thought proper to communicate a Copy of this Petition, & of eight others upon the same subject from the Inhabitants of the several Countys of New-Hampshire to M[r] Wilks, Agent for the Province of the Massachusetts Bay, who, having taken time to transmit the same to His Principals, did on the 14th Day of February 1733/4 lay before us a Memorial in relation to His submitting the Determination of the Boundarys between the Provinces of the Massachusetts Bay & New-Hampshire to such Commissioners, as should be appointed by this Board ; but His Memorials not containing so full a submission to the Determination, which we should make upon this matter, as M[r] Wilks had before promised, he desired leave to withdraw the same, in order to lay another before us, which should be more to our Satisfaction, & agreeable to this we received the next Day a Letter from M[r] Wilks in the following Words,

My Lords —

Pursuant to Instructions I have received from the Great & General Court or Assembly of His Majesty's Province of the Massachusetts Bay in New-England, in relation to y[e] Petition of M[r] Rindge, touching the Controversy between the said Province of the Massachusetts Bay & New-Hampshire about their Bounds, and praying a Settlement thereof, I do hereby as Agent for the said Province of the

Massachusetts Bay, & for & on their behalf humbly submit it to your Lordships, & do hereby consent & agree, that the said Boundarys may be determined & settled by wise disinterested Persons of the neighbouring Governments, to be nominated & appointed by His Majesty or your Lordships for that purpose. And I do further agree & consent for the said Province of the Massachusetts Bay, that the said Commissioners shall have the matter in controversy left to them fully, & without any Limitations, saving only that the Lines, however they may happen to run, do not affect the Property of any particular Persons.

A Copy of this Letter having been communicated to the petitioner M^r^ Rindge, we received the Day following a second Petition on His Behalf from His Solicitor M^r^ Paris, setting forth, that he had nothing to object against Commissioners being authorized to set out the Boundarys betwixt the two Provinces, but that he was under a necessity of representing to us, that the Question, which had been so long depending was at what place the South Boundary of New-Hampshire, (or (which is the same thing) the Northern Boundary of the Massachusetts Bay) in that part which bounds to the Southward on New-Hampshire, shall begin, & what course it shall run.

That this Question must recieve its Determination from the true & legal Construction of the Charter, granted to the Massachusetts Bay, & may not therefore be proper for the Determination of meer Surveyors or Mathematicians in America, but may be proper for His Majesty's own Royal Determination here with the advice of His Privy-Council, which being once done, & the place of beginning the Bound Lines, & likewise the Course they are to run, being fixed, the matter would then be clear, & His Majesty's Commissioners would have very little Trouble or Difficulty in running the Lines, wherefore he humbly prayed us to hear all Partys by their Council upon the Question where the Boundary Lines ought to begin, & what course they ought to run. —

Hereupon we thought proper for our better information in a matter of this Consequence, to communicate to His Majesty's Attorney & Solicitor General a Copy of the Charter granted by their late Majestys King William & Queen Mary to the Province of the Massachusetts Bay in 1691, & desired their opinion from what point of Merrimack River the dividing Line between the Provinces of the Massachusetts Bay & New-Hampshire ought to begin, according to the Intent & Meaning of the said Charter. —

In answer to this Query the Attorney & Sollicitor General have acquainted us by their Reports dated the 19^th^ Day of March last, that they have been several times attended by the Council & Agents of both Provinces.

That the Council for New-Hampshire offered several Arguments, to prove, that the said dividing Line ought to be taken from three miles north of the mouth of Merrimack River.

That the Council for the Massachusetts Bay would not say what it was, that they insisted on, or give any Answer to what had been urged by the Council on the other side, but declared that in their opinion the Question, which was proposed to the Attorney & Sollicitor General by this Board would not determine the matter in dispute, and therefore they thought it unnecessary to say any thing upon it.

That whether this be so or not they are not able to judge, but as to the Question referred to them, they are of opinion, that the dividing Line between the Province of New-Hampshire, & the Province of the Massachusetts Bay is to be taken according to the Intent of the Charter of William & Mary from three miles North of the mouth of Merrimack River, where it runs into the Atlantick Ocean. —

Since this Report we have been again attended by the Sollicitor for the Petitioner, & the Agent for the Massachusetts Bay, & have heard what either side had to offer by their Council on this occasion, and upon the whole we take leave to offer our opinion to your Lordships, that His Majesty should be graciously pleased to appoint & authorize Commissioners to be chose from out of the neighbouring Provinces in America, to meet within a limited time & mark out the dividing Line between the said Province of the Massachusetts Bay & New-Hampshire, and we shall take care that Copys of the abovesaid Opinion be given to each of the said Partys for the Information of the Commissioners, in case any Doubt should arise amongst them upon the Construction of the said Charter granted by King William & Queen Mary to the Province of the Massachusetts Bay. We are My Lords

Your Lordships most Obedient and most Humble Servants

Whitehall	Fitz. Walter	Orl° Bridgeman.
June 5th 1735.	T. Pelham.	M. Bladen.
	Edwd Ashe.	R. Plumer.

[*Agent Wilks to Secretary Willard*, 1735.]

[Mass. Archives, Vol. 52, p. 447.]

London 28th June 1735.

Sr I am favour'd with yours ℔ Capn Crocker inclosing sundry Laws which I shall lay before His Majesty in Councill for Confirmation.

Since my last the Lords of Trade have Reported upon the Affair of the Boundaries with New Hampsh^r also upon the affair of Warlike Stores both which are before the Lords of the Committee & their Lordships have Ordered me a Copy of the former which I now inclose, and expect, in little time to have notice to Attend their Lordships about it, when I shall Pray to be heard by Council in behalf of the Province & get a day appointed for that Purpose.

I Attended the Lords of Trade previous to this Report with Councellor Strange but their Lordships would not let us Enter fully into the matter what Course the Line ought to run but only where it should begin, their Lordships Order'd my Letter to be read wherein I Submitted in behalf of y^e Province that the Boundaries should be setled by Commissioners Appointed by His Majesty out of the neighbouring Governments. I then Acquainted their Lordships that when I made that proposal I thought it agreeable to my Instructions but as it was then rejected, and no notice since taken of it, I have had time to advise my Principal of my proceeding and have receiv'd for my Answer that it was not the Intention of my Instructions nor what they Approved of. And therefore I desired their Lordships would give me leave to withdraw it or that no use might be made thereof. I find it inserted in the Report but dont Apprehend it signifies any thing.

I intend to insist upon being heard fully upon the whole before the Lords of the Committee of His Majestys Most Hon^ble Privy Councill, And have every thing prepar'd to Instruct Council for that purpose, I purpose to get a Case printed containing some of the most material Arguments in Our favour to put into their Lordships hands at the hearing & shall do every thing in my Power for the service of the Province, I thank you for your kind wishes & Assure you I am S^r/

Yo^r most Obed^t Hum : Serv^t

Fra Wilks.

To The Hon^ble Josiah Willard Esq^r Secretary of y^e Province of the Massachusetts Bay./

[*Report of Committee of King's Council on Petition of John Rindge*, 1735.]

[Mass. Archives, Vol. 5, p. 54.]

At the Council Chamber Whitehall the 15^th day of December 1735

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs. —

YOUR Majesty having been pleased by Your Order in Council of the 29th of March 1733 to referr unto this Committee the humble Petition of John Rindge of Your Majestys Province of New Hampshire in America Esqr Complaining in behalf of the Inhabitants of that Province of Great Encroachments upon their Lands and other Oppressions which they have Suffered from the People of the Massachusets Bay both in matters of Property and Government for Want of fixed and known Boundarys betwixt the said Provinces which the People of New Hampshire have in vain used their best Endeavours to Settle in Conjunction with those of the Massachusets Bay Wherefore he most humbly prays that Your Majesty will be pleased to Declare and ascertain the Several Boundarys of the Province of New Hampshire and to Afford the Inhabitants of that Province such Relief in the Premises as to Your Majesty in Your Great Wisdom and Justice should seem meet — The Lords of the Committee in Obedience to Your Majestys said Order of Reference did on the 16th of April 1733 take the said Petition into their Consideration and tho't proper to referr the same to the Lord's Commissrs for Trade and Plantations who have thereupon Reported to this Committee that they had Communicated a Copy of this Petition and of eight others upon the same Subject from the Inhabitants of the Several Countys of New Hampshire to Mr Wilks Agent for the Province of the Massachusets Bay, who did by a Letter bearing date the 15th of February 1733/4 acquaint the said Lords Commissrs that he did thereby as Agent of the said Province of the Massachusets Bay and for and on their Behalf humbly Submit the matter in Controversy to the said Lords Commissioners and did Consent and agree that the said Boundarys might be determined and Settled by Wise disinterested Persons of the Neighbouring Governments to be Nominated and appointed for that purpose by Your Majesty or the said Lords Commissioners And that he did further Agree and Consent for the said Province of the Massachusets Bay that the said Commissrs should have the matter in Controversy left to them fully and without any limitations *Saving only that the Lines however they may happen to be run should not Affect the Property of Particular Persons* — And the said Lords Commissioners did further Report that they had been Attended by all Partys concerned herein, and having heard what either side had to Offer on this occasion, were of Opinion that Your Majesty should be graciously pleased to Appoint and Authorize Commissionrs to be Chosen from out of the Neighbouring Provinces in America, to meet within a limitted time, and marke out the dividing Line between the said Provinces of the Massachusets Bay and New Hampshire

And Your Majesty having been pleased by Your Order in Council of the Sixth of Nov^r last to referr likewise unto this Committee a Petition of the said Francis Wilks Agent for the Province of the Massachusets Bay praying that he may not be bound by the Consent and agreement which he had Signified to the Lords Commission^rs for Trade and Plantations by the Letter beforementioned *and also praying that in whatever Manner the Boundary Line may be run it may not Affect Private Property* The Lords of the Committee this day took the whole matter into their Consideration and heard Counsel upon the Petn of the said Francis Wilks Agent of the Massachusets Bay and also for the said John Rindge in Support of the said Report of the Lords Commissioners for Trade and Plantations — And Do humbly Report to Your Majesty that they Agree in Opinion with the said Lords Commissioners that it may be adviseable for Your Majesty to appoint and Authorize Commissioners to be Chosen out of the Neighbouring Provinces in America to meet within a Limited time and mark out the Dividing line between the said Provinces of the Massachusets Bay and New Hampshire — And their Lordships Do further humbly Report to Your Majesty as their Opinion *that in the running the said Boundary Line due Care should be taken that Private Property may not be Affected thereby.*

[*Committee of King's Council to Nominate Commissioners*, 1735/6.]

[Mass. Archives, Vol. 5, p. 53.]

[Seal] At the Court at S^t James's the 22^d day of January 1735.]

Present

The Kings most Excellent Majesty in Council

Upon reading this day at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 15^th of last Month relating to the Settling the Boundarys between the Provinces of the Massachusets Bay and New Hampshire in America, wherein their Lordships propose that Commiss^rs to be Chosen out of the Neighbouring Provinces should be appointed and Authorized by His Majesty to meet within a limitted time and *mark out the Dividing Line between the said Provinces, and to take care that Private Property be not affected thereby:* — His Majesty Approving thereof, Is hereby pleased to Order, that the same be Referred

to the Right Honourable the Lords of the Committee of Council for Plantation Affairs, to Consider of proper persons to be appointed to Settle the said Boundarys and make Report thereof to His Majesty at this Board. — W: Sharpe

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[*Names of Commissioners Nominated*, 1736.]

[Mss. Prov. Boundaries, p. 98.]

To the Right Hono^{ble} the Lords of the Committee of His Majesty's most Hono^{ble} Privy Council.

My Lords —

Agreeable to your Lordships order of Reference, dated the 24th Day of January last, we have considered of proper Persons to be appointed Commiss^{rs} for marking out and settling the Boundaries or Dividing Lines between the Provinces of the Massachusetts Bay and New Hampshire, & for that Service we take leave to name to your Lordships, George Clark, Francis Harrison, Cadwalder Colden, Abraham Van Horn, and Phillip Livingston Esq^{rs} of the Province of New-York; John Anderson, John Hamilton, John Wells, John Reading, and Cornelius Van Horn Esq^{rs} of the Province of New-Jersey; William Skene, Will^{m} Shirreffe, Henry Cope, Erasmus James Phillips Esq^{rs} and Major Paul Mascarene of the Province of Nova Scotia; being the five eldest Councellors in their respective Provinces, and Samuel Vernon, John Gardner, John Potter, Ezekiel Warner, & George Cornel, who were the Eldest Councellors for the Colony of Rhode-Island in the year 1734., & may probably be so still, though they choose their Councellours annually, and we have no List of Councellors in that Province of later Date.

These Persons we think may be least liable to Exception, being Men of Distinction in their Respective Provinces.

We are My Lords Your Lordships Most Obedient and Most Humble Servants

Whitehall	Fitz. Walter.	A. Croft.
April 1st 1736. —	T. Pelham.	R. Plumer.
	Edw^{d} Ashe.	M. Bladen.

[*N. H. Committee to Attend Commissioners*, 1736.]

[Mss. Prov. Boundaries, p. 97.]

In the House of Representatives

Whereas this House is Informed by the Committee appointed to Write our agent in Great Brittaine Relating to the affaire of the lines by Letter from him Directed to the said Committee

Which has been Laid before this House, wherein we are informed that in x^r^ Last His Maj^tie^ in Councill was gratiously pleased to accept the Report Made by the Right Hon^ble^ the Lords Commiss^rs^ for Trade and plantations, and that our Agent in a short time expected to obtaine a Commission appointing & authorizing Commiss^rs^ to run and mark out the Boundary Line Between this His Maj^ties^ Province & that of the Mass^a^ and in asmuch as this affaire will be attended with Considerable Charge & it will be necessary to have a Committee to attend the said Commiss^rs^ in the Said affaire Wherefore

VOTED that Andrew Wiggin Esq^r^ Theodore Atkinson Esq^r^ & John Rindge Esq^r^ be a Committee for this House to Joyne w^th^ Such as the Hon^ble^ Board shall appoint to Waite upon said Commiss^rs^ & attend them in that affaire and that the Treasurer supply the said Committee with Such Money as will be necessary for that service and that the said Committee Render an account to the Gen^l^ Ass^m^ of the Money so Delivered them by the Treasurer how Expended for their allowance

Aprill 30^th^ 1736 James Jeffry Cle^r^ Ass^m^

In Coun^l^ May 10, 1736 —

Read and non-concurrd, for that The Council know of No Agent that this Court has in Great Britain, & besides, for that there is no money in the Treasury to defray the Charge proposed in the above Vote

Rich^d^ Waldron Sec^ry^

[*Francis Wilks to Secretary Willard*, 1736.]

[Mss. Prov. Boundaries, p. 100.]

Extract from M^r^ Agent Wilks's Letter to M^r^ Sec^ry^ Willard of May 19^th^ 1736 —

M^r^ Sec^ry^

Sir/ I have not had the pleasure of a Line from you since my last, nor has anything material offered to advise you of, save the Lords of

Trade having made a Report upon the Reference from the Lords of His Majesty's Council concerning the New-Hampshire Boundaries, Copy whereof is inclosed. I can't tell what farther Steps may be taken, but probably it may rest so long as to give time for an Answer from both the Governments, before it be confirm'd. I shall be glad to receive the General Court's Instructions about it, to be made use of in that Case. —

[*Instructions to Francis Wilks, Agent for Massachusetts, July* 23, 1736.]

[Mass. Archives, Vol. 52, p. 449.]

Sir, I am directed by the Gov^r^ & Council to acquaint you that your publick Letter of the 19^th^ of May last with the Report of the Board of Trade for naming Commiss^rs^ on the Affair of the Line between this Prov. & New Hamps^r^ has been laid before y^m^ And they think it proper to advise you to use your utmost Endeavours to stay all further Proceedings on y^t^ Affair till you can have an Answer to your s^d^ Letter from the General Assembly who are now prorogued; And the Board also advise you in the meantime to look carefully into the several Instructions & Letters you have already had from the Court on the same Subject

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[*Francis Wilks to Secretary Josiah Willard*, 1736.]

[Mass. Archives, Vol. 52, p. 450.]

M^r^ Secretary./

Sir: I have nothing material to inform the General Court since my last, Only that the Lords of His Majestys Councill have taken under Consideration the Report of the Lords of Trade concerning the New Hampshire boundaries it was strongly urged on the part of New Hampshire that their Lordships would appoint a short day to determine upon it, but my not having receiv'd, nor could have receiv'd Answer from my principals concerning said Report, And an Objection being made on their Side to One Gentleman therein mention'd it was put off to some time in October Agreeable to my Petition: Copy of Cap^n^ Tomlinsons Petition you have Inclosed. I hope

by that time to have the Generall Courts Directions about it, Inclosed you have also the Councells Breviate concerning New Hampshire Private Notes Omitted in my last.

I have received the papers relateing to Rhode Island Boundaries inclosed me by a Committee of The General Court which I shall have proper regard unto, nothing Can be done in that Affair till towards Winter it being now a time of Recess with most of our Great Men,

I am with great Respect, Sir,

Yo^{r} most Obed^{t} Hum: Serv^{t}

London y^{e} 19th August 1736. Fra Wilkes

[*Report of Instructions to Commissioners*, 1736.]

[Mss. Prov. Boundaries, pp. 101–104.]

To the Right Honourable the Lords of the Committee of His Majesty's most Honourable Privy Council —

My Lords

We have had under our Consideration your Lordships order of the 26th of October last approving our Nomination of the five Eldest Councillours in the Provinces of New York, New Jersey, Nova Scotia, and Rhode Island (excepting Major Mascarene one of the Council in Nova Scotia who appear'd to your Lordships to be a Person interested in the Massachusets Bay) to be the Commissioners for Setleing the Boundarys between the Province of the Massachusets Bay and Newhampshire, and Requiring us to prepare and lay before your Lordships such Directions as we shall think necessary for His Majesty to give to the said Com^{rs} for this purpose specifying the time before which the said Com^{rs} shall hold their first meeting the most convenient place for such their Meeting, and of what number the Quorum should consist.

Upon this occasion we have been Attended by the respective Agents for the Massachusets Bay & Newhampshire and have given them an opportunity of laying before us any Proposals they might have to make to further the setleing and marking out the lines in Question; whereupon the Agent for Newhampshire laid before us a Memorial for the Purpose aforesaid, the Agent for the Massachusets Bay only raised some trivial objections to the place of Meeting and to the Quorum mentioned by the Agent for Newhampshire, but offer'd nothing further to us upon the Subject.

As we are Inform'd that the most proper time of the year for runing the boundary lines in Question is between the begining of June and the End of September we take leave to propose that the first day of August in the year 1737 may be the day on which the Com^rs^ may be Directed to hold their first meeting from which they may adjourn to such times as may be most convenient for them, for althô your Lordships did Direct us to Consider of a time before which the said Com^rs^ should hold their first meeting, Yet upon Consideration we found it convenient to appoint a positive day because the great Distances the Com^rs^ live from each other would otherwise make their first meeting very uncertain.

And as the Town of Hampton in Newhampshire is scituated according to the best Draughts we have been able to procure of that Province very near, if not upon the place thrô which one of the boundary lines is at first to run, we are of Opinion, that the first meeting of the Com^rs^ should be appointed to be held there.

With regard to the number, a Quorum of the Com^rs^ should consist of, we take leave to observe, that althô there are twenty Com^rs^ to be appointed, yet several of them from different occasions may not be able to Attend this Service, and as the want of a sufficient Quorum supposeing it should be appointed too large might prevent the fixing these boundarys and occasion a fruitless long Journey to such of the Com^rs^ as shall undertake the same, we are of opinion that five Com^rs^ should be deem'd a sufficient Quorum and that all Determinations shall be by a Majority of the Com^rs^ present; we are the rather of this opinion because each Province will have the liberty of appealing from any Sentance given by these Com^rs^ to His Majesty in Council.

The Agents for these Provinces having agreed that the Charge attending this Commission and the Execution thereof should be equally borne between each Province, we have nothing to offer upon that head but that we think it highly reasonable it should be so.

As these Com^rs^ must be appointed under the Broad Seal, we are of opinion, that the abovemention'd Propositions with regard to the time and place of Meeting and to the number of which the Quorum is to consist ought to be express'd in the said Commission and a Liberty thereby Granted to either Party who may find themselves aggrieved by the Determination of the said Com^rs^ of appealing to His Majesty in Council from such Determination and that the Com^rs^ may be Impow'red and Directed to administer any oath or affirmation to such Persons as shall be found necessary to be Examined before them.

And that the good purposes proposed by this Commission may not be frustrated by any Failure in Execution thereof we take leave further to propose,

That Notice may be given by a Circular Letter to the respective Govrs of the Provinces where these Comrs do reside of His Majestys Intentions to setle the Boundarys of the two Provinces aforesaid by Comrs to be appointed by His Majesty, and that the respective Govrs of the said Provinces upon receipt of such Notice do acquaint such Commissioners of the time and place of their first meeting strongly recommending it to such as are able to go to attend this Duty.

That the Comrs be directed at their first meeting to make choice of one or more able Clerk or Clerks to enter their Minutes and proceedings, as also of one or more skillfull Persons to prepare Draughts or Plans of the boundarys according to the Determination of the Comrs who are also to administer an oath or affirmation to such clerks or other Persons as they shall Employ for the due and faithfull Executions of their Trust —

That each of the two Provinces whose boundarys are to be setled do send to the said Comrs at their first Meeting the Names and Places of abode of two of their Publick officers whom they shall appoint for that purpose residing in the said Provinces on either of whom or at whose place of abode any Notices Summons or final Judgment of the sd Comrs may be servd or left —

That each of the said two Provinces do send to the said Comrs at their first Meeting a plan and full State of their demands or pretensions in writing describeing whose and in what places the boundarys on the southern and Northern part of Newhampshire ought to begin, what Courses and how far the same ought to run respectively, and that the Copys thereof may be mutually exchanged in order to prevent any unnecessary delay and that each party may come fully prepared —

That the Comrs be directed to use all Convenient Dispatch in the Execution of this affair —

That of the Comrs present at any Meeting He who is first named in the Kings Commission shall preside at such Meeting and shall issue out the Necessary Summons for such witnesses as either Party shall require

That no evidence be allowed of by the Comrs but such as shall be sworn or take an Affirmation before them in open Court, and that the whole of what such Evidences shall offer to the Comrs be put into writing by the clerk and in presence of said Commissioners —

That Entrys be made of all Papers Evidences Deeds Charters and proofs received by the Comrs in this affair and of all their proceedings and resolutions throughout the same and that Plans or Draughts of the Boundary lines as agreed to by them be annexed thereto and made part thereof

That when the Com^rs^ shall have made their final Determination and Signed the same a Copy thereof shall be sent to such publick officer in each respective Province as beforementioned as likewise Notice of another Meeting to be within six weeks after the Delivery of such Copy or such other reasonable time as the Com^rs^ shall appoint at which either of the Provinces who shall find themselves aggrieved may enter their appeal with a Declaration what parts of the Determination of the said Com^rs^ they abide by, or Appeal from, and that each Province be allowed true Copys of the whole Process to be attested by three or more of the Com^rs^ — That if at this last meeting of the Com^rs^ neither Province do enter their appeal the Determination of the Com^rs^ do then become final & Conclusive to all Parties —

And that during the meeting of these Com^rs^ the Gov^rs^ of the two Provinces do keep their respective Assemblys sitting or under short Prorogations that they may meet within twenty days after such Determination delivered as aforesaid in order to determin what to do thereon, we are My Lords

Your Lordships Most Obedient & Most humble Serv^ts^

Whitehall	Fitz. Walter	M Bladen
Dec^r^ 8^th^ 1736	T Pelham	Orl^o^ Bridgman
	R Plumer	
Copy Examined ℔		J Willard Sec'ry

[*Francis Wilks to Secretary Willard*, 1736/7.]

[Mss. Prov. Boundaries, p. 84.]

Extract from M^r^ Wilks's Letter to M^r^ Secr^ry^ Willard. —

M^r^ Secretary

Sir The above is Copy, this encloses you Copy of my Petition to the Lords of the Council for some Alterations in the Report of the Board of Trade, which Petition has been rec^d^, and their Lordships have been pleased thereupon to make sundry Alterations, *particularly in that of keeping the Assembly sitting, or under short adjournments, during the meeting of the Commiss^rs^* — An Order of Council is gone (WITH THE REPORT AS ALTER'D) to the Attorney and Sollicitor General, to prepare, and lay before His Majesty in Council the Draught of a Commission to be pass'd under the great Seal, agreeable to what is proposed. It is also ordered, that the Lords Commiss^rs^ for Trade and Plantations do write the Circular Letters to the respective Governours, as proposed in the Report; I have but

just got a Copy of said Order, and this Ship's immediate Departure prevents me sending you a Copy of the same by this opportunity.

Upon the application I formerly made to His Majesty in Council against a Report of the Lords of Trade for repealing a Law passed to prevent the Currency of New-Hampshire private Notes, it was then ordered, that the Lords of Trade should prepare a State of the Paper Currency, as it stands in Massachusetts Bay, Connecticut, New Hampshire, and Rhode Island, and lay the same before His Majesty in Council; I understand they have accordingly prepared a State thereof, and delivered it at the office, but it not having been before Council, no Copy can be obtained at present I shall constantly attend, to know if any thing be design'd, relating to the Report for repealing the aforesaid Law, and shall use my Endeavours to prevent its Success. —

London the 21st Febru^{a} 1736/7.

[*Petition of Francis Wilks*, 1736/7.]

[Mss. Prov. Boundaries, pp. 89-96.]

To the Queen's Most Excellent Majesty in Council, Guardian of the Realm, and His Majesty's Lieutenant within the same. —

The humble Petition of Francis Wilks of London Merchant, Agent for your Majesty's Province of the Massachusetts Bay in New-England, Sheweth

That some time since John Rindge of His Majesty's Province of New-Hampshire, as Agent of the House of Representatives of the said Province, preferred a Petition to His Majesty, humbly praying to declare and ascertain the several Boundaries between the said Provinces of the Massachusetts Bay and New-Hampshire.

That your Petitioner, having sent a Copy of the said Petition to the said Province of the Massachusetts Bay, received their Instructions thereon, and apprehending he was thereby authorized thereto, and to avoid further Litigations & Expence he did consent and agree for & on behalf of the said Province of the Massachusetts Bay, that the said Boundaries might be determined and settled by wise disinterested Persons of the Neighbouring Governments, to be nominated and appointed by His Majesty.

That for the Reasons mentioned in a former Petition most humbly presented by your Petitioner to His Majesty, your Petitioner

apprehended his said Proposal to have been disagreed to, and rejected, and so he acquainted the said Province of the Massachusetts Bay ; in answer thereto the said Province acquainted your Petitioner he was not warranted by his Instructions in making the said Proposal, they only authorizing him to submit to have the Boundaries determined by wise disinterested Persons, to be chosen on the behalf of the Massachusetts Bay by the Assembly of that Province out of the neighbouring Governments.

That thereupon your Petitioner conceived himself bound in Duty to lay before His Majesty the mistake he had committed, before any thing was finally done therein, which your Petitioner accordingly did, but on hearing the said Petition before your Lordships, to whom the said Petition was referred, your Lordships, were pleased to report as your opinion to His Majesty, that it might be adviseable for His Majesty to appoint and authorize Commissioners to be chosen out of the neighbouring Provinces in America, to meet within a limited time, and mark out the Dividing Line between the said Provinces.

That your Lordships on the 26th Day of October last referred it to the Lords Commissioners of Trade and Plantations, to prepare, and lay before your Lordships such Directions as they should think necessary for His Majesty to give to the said Commissrs specifying the time before which the said Commissrs should hold their first meeting, the most convenient place for such their meeting, and of what number the Quorum should consist.

That the Lords Commissrs of Trade and Plantations have accordingly, by their Report bearing Date the 8th Day of Decr last, reported to your Lordships as their opinion, that the first Day of August 1737, should be the Day, on which the Commissioners should be directed to hold their first meeting, and that the first meeting of the Commissioners should be appointed to be held at the Town of Hampton in New-Hampshire, and that five of the Commissrs should be deemed a sufficient Quorum.

That your Petitioner humbly insisted before the Lords of Trade, that Newbury in the Massachusetts Bay was a more proper place than Hampton, and insisted the Quorum ought not to consist of less than a Majority of the Commissrs nominated, who are 19 in number and insisted as a Reason for this, that by the Laws of the Land no man's Property could be affected by a less Number than a Jury of 12.

That the Lords Commissrs of Trade then proceeded to lay before your Lordships such Directions, as they should think necessary to be given to the said Commissrs and amongst the rest are pleased to propose, that each of the said two Provinces do send to the Commissrs at their first meeting a Plan & full State of their Demands, or Pre-

tensions, in writing, describing where, and what places, the Boundaries on the Southern & Northern Parts of New-Hampshire ought to begin, what Courses, and how far, the same ought to run respectively, and that Copies thereof should be mutually exchanged.

That your Petitioner humbly submits it to your Lordships Considerations, whether there be any Instance, where ever an obligation of this kind was laid upon the Parties in a case of the like nature, as there may be real Difficulties in complying therewith, your petitioner humbly hopes this shall not stand part of the Instructions.

That the Lords Commiss[rs] of Trade and Plantations further propose, that the whole of the Evidence, which shall be offer'd to the Commissioners, be put in writing by the Clerk, and in presence of the Commissioners.

That your Petitioner humbly apprehends this ought to be done likewise in presence of the Witnesses, & that the Depositions, after so reduced into writing, should be read to the Witnesses, and then signed by them, and that the reducing the Evidence into writing ought not to be left to such Minutes thereof, as the Commissioner's Clerk may take.

That in that part of the Report of the Board of Trade, which directs the Comm[rs] to adjourn, in order to give time to appeal, your Petitioner humbly apprehends it is not meant, or intended, that the Comm[rs] should have power to abridge the Six weeks proposed to be given for that purpose, whereas if the Directions, which are sent to the Comm[rs] run in the general words of the Report, *or other reasonable time*, it may be thought there they have such a power to prevent, which your Petitioner humbly submits to your Lordships, whether it may not be proper to express it, such *further* reasonable time, as the Commiss[rs] shall appoint.

That your Petitioner further humbly apprehends, that by the said Directions proposed to be given to the Comm[rs], the Copy of the Process is not ordered to be given, time enough for the Assembly to see it, before they must determine, whether they will appeal or not, but only a Copy of the Final Determination ; whereas the Evidence being what the Case must be determined by, your Petitioner humbly concieves it is reasonable they should have that also before them for their Consideration, to form a right Judgment, whether they ought to appeal or not.

That your Petitioner humbly informs your Lordships, the Assembly of the Massachusetts Bay always meet twice in every year, viz[t], the Spring and Fall Sessions, your Petitioner therefore humbly submits it to your Lordships Considerations, whether it be necessary to keep the Assembly sitting, or under short Prorogations, during the

time of this inquiry as it may be of great and general Inconvenience to the Members, and create great Uneasiness in the Province.

That the Report of the Lords Commiss^{rs} of Trade and Plantations mentions, that your Petitioner had agreed, that the Charge attending this Commission, and the Execution thereof, should be equally born between each Province, as to which your Petitioner begs leave humbly to represent to your Lordships, That, pursuant to his Instructions, he has in the strongest manner humbly insisted, that the Comm^{rs} on behalf of the Massachusetts Bay ought to be named by the Assembly of that Province, but as it has been determined otherwise, and as it has been order'd, that a Commission should issue to the Commiss^{rs} which have been proposed by the Lords of Trade, your Petitioner did declare he could make no objection to the Expences attending the Execution of the Commission being born equally by both Provinces, and that he thought it reasonable it should be so, and he now offers nothing in opposition thereto, but your Petitioner being no otherwise concerned, than merely as an Agent for the Province of the Massachusetts Bay, and having had no Instructions from them in relation thereto, so he cannot consent or agree, to it, but he does not oppose it, as he thinks it reasonable it should be so. —

That your Petitioner now humbly assures your Lordships he does not present this his Petition with the least view to retard or delay this affair, and as the strongest Evidence thereof, he does not insist to be heard by Council, but is willing, and thereby submits the several matters contained in this petition to your Lordships great Wisdom and Justice, without desiring to be further heard thereon, humbly praying your Lordships to make the several before mentioned Alterations, in the Directions to be sent, the Commissioners, with such further and other Directions in relation thereto, as to your Lordships shall seem proper and necessary. —

And your Petitioner shall ever pray.

[*New Hampshire Agents*, 1736/7.]

[Mss. Prov. Boundaries, p. 77.]

october the 17th 1731 : In the House of Representatives :

Cap^{t} John Rindge was Chosen & appointed by the House of Representatives to Represent this Province at the Court of Great Brittaine with power to Appoint —

and in the Name of the House Desiering any Such ℔son as he Shall think proper to Aid and Assist him in the affairs of the Lines

Jan^{r} 2^{d} 1733/4 Cap^{t} John Rindge inform'd the House of his proceedings in Great Brittaine in the affaire of the Lines & y^{t} he left Cap^{t} John Thomlinson to Represent the Province at home in his Stead.

Jan^{r} 11th 1733/4 Cap^{t} John Thomlinson In the House of Representatives was Voted to be Agent for this Prov^{e} at the Court of Great Brittaine to Sollicit the speedy Setlem^{t} of the Boundary Lines.

8^{r} 18th 1734 the said Cap^{t} Thomlinson was Chosen to Solicit the affaire of the Lines

May 6th 1735 : Cap^{t} Thomlinson was Chosen agent for this House to solicit the same affaire of the Lines

Ap^{r} 23^{d} 1736. Cap^{t} Thomlinson was Chosen agent for this House to Solicit the same affaire of the Lines.

Ma^{r} 16 1736/7 Cap^{t} Thomlinson was Chosen agent for this House to Solicit the same affaire of the Lines

James Jeffry Cle^{r} Ass^{m}

[*N. H. Committee to Attend Commissioners*, 1737.]

[Mss. Prov. Boundaries, p. 111.]

Ap^{r} 1st 1737 In the House of Representatives

Voted That M^{r} Speaker Wiggin John Rindge Esq^{rs}, M^{r} Thomas Packer & Cap^{t} James Jeffry be a Committee of this House to Joyne with Such as the Hon^{ble} the Council shall appoint to Waite upon, and attend, the Commiss^{rs} his Most Excellent Maj^{tie} hath or may appoint, to Mark out the Boundary Lines between the Province of Newhampshire : and the Province of the Massachusets Bay : and to Provide Witnesses, Pleas and, Allegations papers and Records to be presented & made before the Said Commiss^{rs} in that affaire, and to provide for their reception and Entertainment : any five of such Comittee to be a Quorum : And that the Treasurer Supply Said Committee with such Money as may be needfull or Necessary in that affaire James Jeffry Cle^{r} Ass^{m}

In Coun^{l} Eod^{m} die

Read and Concurrd and Voted that M^{r} President Walton Geo: Jaffrey Jotham Odiorne and Theodore Atkinson Esq^{rs} be joyned with the Gentlemen above for the Service above —

Rich^{d} Waldron Sec^{ry}

Same day assented to — J Belcher

[*Commission of Boundary Line Commissioners.*]

[Mss. Prov. Boundaries, pp. 136–139.]

GEORGE the second by the Grace of God of Great Britain France and Ireland King, Defender of the faith &c[a] To our Trusty & well beloved George Clark, Francis Harrison Cadwalder Colden Abraham Van-Horn and Philip Levingston Esq[rs] Members of the Council in our province of New York in America; Our trusty & well beloved John Hamilton, John Wells, John Reading, Cornelius Van-horn and William Provost Esq[rs] Members of the Council in our province of New Jersey in America; Our Trusty & well beloved William Skene, William Sherriffe, Henry Cope, Erasmus-James Phillips, & Otho Hamilton Esq[rs] Members of the Council in Our province of Nova Scotia in America; And to Our trusty and well beloved Samuel Vernon John Gardiner, John Potter, Ezekiel Warner & George Cornel Esq[rs] Members of the Council, in Our province of Rhode-Island in America Greeting. WHEREAS We have been informed that a dispute hath been long subsisting between our provinces of the Massachusets Bay and New Hampshire in America Relating to their Respective boundaries, KNOW YEE therefore that We reposing especial trust and confidence, in your abilitys discretion and integrity, have nominated Authorized & appointed, and by these presents, Do nominate authorize & appoint you the Said George Clark, Francis Harrison Cadwalder Colden Abraham Van-horn, Philip Levingston, John Hamilton John Wells John Reading Cornelius Van-horn, William Provost William Skene William Sherriffe, Henry Cope Erasmus James Phillips Otho Hamilton, Samuel Vernon, John Gardiner John Potter, Ezekiel Warner & George Cornel, or any five or more of you to be our Commissioners for Settling Adjusting & determining the Respective boundaries of Our said provinces of the Mass[a] Bay & New Hamp[r] in America, in dispute as aforesaid. OUR Will & pleassure therefore is that you repair by the first convenient oppertunity to the Town of Hampton Within the S[d] Province of New Hamp[r] as being most conveniently Situated for that purpose, and there hold your first meeting on the first day of August, in the year of our Lord Christ 1737 from which day & any future days of adjournment, you may adjourn to such time & times as may be most convenient for you, and in case five of you shall not be present on the said first day of August, or on any other day of adjournment, then Such or a Majority of Such of you as Shall be present shall and May adjourn the further Execution of this Commission in manner aforesaid, and that at your first Meeting you do make choice of One or more Clerk or

Clerks to Enter your Minutes and proceedings, as also of one or More Skilfull Persons to prepare draughts or Plans of the Country or boundarys as there Shall be from time to time occasion, and that you do administer to such Clerks, or other Persons as you Shall Employ an oath or if they shall be of the People call'd Quakers, an affirmation for the due and faithfull execution of their trusts ; And That of the Commissioners present at any Meeting, he who is first named in the list of Commissioners, shall preside at such Meeting & shall Issue out the Necessary Summons for such Witnesses as Either Party shall require : And We do hereby direct and Command, that you our Said Commissioners do use all convenient dispatch in this affair, and that all determinations be made by a Majority of the Commissioners who shall be present at any meeting, provided there shall be then present five or More of the said Commissioners, and Our further Will & pleasure is, that in case Either of the Said Two Provinces whose boundarys are to be settled shall neglect to send to you at your first meeting the Names and Places of Abode of Two of their Publick officers Residing in their Respective Provinces on Either of whom or at whose place of Abode, any notices Summons or final Judgment of you our Said Commissioners may be served or left, and in Case Either of the said Provinces shall also neglect To send to you Our said Commissioners at your first meeting a plain and full state of their demands or pretensions in writing describing where and in what places the boundarys on the Southern and Northern Part of New Hampsh^{r} ought to begin, and what Courses and how far the same ought to run Respectively to the end that Copys thereof, may be mutually Exchanged in order to prevent any unnecessary delay, and that Each Party may come fully prepared, that Then you Our said Commissioners or any five of you in Either of these Cases do proceed Ex Parte ; And We do further direct and Command, that no Witnesses be allowed of by you to give Evidence, but such as shall be sworn, or shall take a solemn affirmation being of the People called Quakers before you, in open Court, which you are hereby impowered to administer, and that the whole of what such Witnesses shall offer to you be put in writing by the Clerk in the presence of you, and of the Respective Witnesses, and that the same be read to and Signed by the Respective Witnesses And We do further order, and direct that Entrys be made of all Papers Evidences deeds charters and proofs, Received by you in this affair, and of all your proceedings and Resolutions throughout the same, and that plans or draughts of Such boundary lines as Shall be agreed upon by you be Annexed thereto, and made Parts thereof, and Our further will & pleasure is, that, when you Shall have made your final determination and Sign'd

the same a Copy thereof shall be sent to Such Publick Officer or Officers in Each Respective Province as before mentioned as likewise notice of Another meeting to be held by you at the distance of six weeks, or at such further reasonable time as you Shall appoint not Exceeding three Calendar Months, at which said Meeting, Either of S[d] Provinces who shall find themselves aggrieved, may Enter their Appeal to us in Our Privy Council with a declaration what parts of the Determination of you the said Commissioners they abide by or appeal from, but if Neither of the Said Provinces do Enter their Appeal or Exception against your determination at Such last Meeting, OUR will is, that then and In such Case no Appeal or Exception, shall be afterwards Received or Admitted, and Such determination of you our Commissioners being confirmed by us Shall be final and Conclusive to both the S[d] Provinces and further our will is, that Each of the Said Provinces be permitted to take out at their own Expence Copys of the whole proceedings in this affair, to be Attested by three or more of you our Commissioners, In WITNESS whereof We have Caused these OUR Letters to be made Patent – WITNESS OUR SELF at Westminster the ninth day of April in the tenth year of OUR Reign

By writ of Privy Seal — Bisse Bray —

Copy — Rich[d] Waldron Sec[ry] —

Compared w[th] y[e] Original Sep[t] 17, 1737. —

[*Mass. Committee to Escort Commissioners*, 1737.]

[Masonian Papers, Vol. 4, p. 115.]

Prov: of the Massa: Bay } AT A COUNCIL held at the Council Chamber in Boston, July 27, 1737.

VOTED, That Thomas Berry and Benjamin Lynde jun[r] Esq[rs] be a Committee of this Board to meet His Majesty's Commissioners that may come from Rhoad Island or Elsewhere, and attend them thrô this Province & to the Town of Hampton, in the Province of New Hampshire. Att[r] Simon Frost Dep[t] Sec[ry]

[*John Rindge to Commissioners*, 1737.]

[Masonian Papers, Vol. 4, p. 116.]

Province of
New Hampshire Hampton August the first 1737/

May it please your hon^rs

I Presume each of you have received a Coppy of a Commission under the Great Seale Dated Aprill the 9^th 1737 — Appointing you & others Commiss^rs to Settle the Boundaries, Between his Majesties Province of New Hampshire and the Province of the Massachusets Bay in New England —

And as agent for the House of Representatives of New hampshire — This being the time and Place Appointed for the first meeting of the Commissioners, I here Produce you the Orriginall Commission under the Great Seal of England, which I now deliver to you & pray that A minite may be made thereof —

I am with utmost Defference

Yo^r hon^rs Most humble and most obedient Servant —

J Rindge

[*Proceedings of the Boundary Line Commissioners.*]

[Mass. Archives, Vol. 5, pp. 70–101.]

[In place of the abstract here entered, this document is given in full from a duplicate original in Masonian Papers, Vol. 4, p. 117.]

[Seal] At the Council Chamber Whitehall

the 9^th day of February 1736

Present

The Lords of His Majestys most Honourable Privy Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 4^th of this Instant in the words following — Viz^t

"Your Majesty having been pleased by Your Order in Council of "the 22^d of January 1735 to Approve of a Report then made to Your "Majesty by this Committee upon a Dispute which hath been long

"Subsisting between the Provinces of the Massachusets Bay and "New Hampshire relating to their respective Boundarys wherein it "was proposed to Your Majesty to Appoint and Authorize Commis- "sioners to be Chosen out of the Neighbouring Provinces in America "to meet within a limited time and Mark out the dividing Lines be- "tween the said Provinces Care being taken that private property "should not be affected thereby And Your Majesty having been "pleased at the same time to Order this Committee to Consider of "the Names of Persons proper to be appointed Commissioners for "that purpose as likewise of such directions as may be necessary to "be given to them in this behalf — the Lords of the Committee have "met several times to consider thereof and have taken the Opinion "of the Lords Commissioners for Trade and Plantations thereupon "and have heard Counsel in behalf of both the said Provinces And "Do thereupon Agree humbly to Report to Your Majesty as their "Opinion —

"That the five Eldest Councillors in the respective Provinces of "New York New Jersey Nova Scotia and Rhode Island (except only "Major Mascarine one of the Council in Nova Scotia who appears to "be a person interested in the Province of the Massachusetts Bay) "may be appointed the Commiss[rs] for Settling the Boundarys in Dis- "pute —

"That the first of August 1737 may be the day on which the "Commissioners may be directed to hold their first Meeting from "which they may adjourn to such times as may be most Convenient "for them —

"That the Place to be appointed for such their first Meeting be "the Town of Hampton within the Province of New Hampshire as "being most conveniently Situated for that purpose

"That five of the Commissioners be deemed a Quorum and that "all Determinations be made by a Majority of the Commissioners "who shall be present —

"That either party who may find themselves aggrieved by the De- "termination of the said Commissioners be at liberty to Appeale "therefrom to Your Majesty in Council And that the said Commis- "sioners be Empowered and directed to Administer an Oath or Af- "firmation to all such persons as shall be found necessary to be ex- "amined before them.

"That the Commissioners be Directed at their first Meeting to "make Choice of one or more Clerk or Clerks to enter their Minutes "and Proceedings As also of one or more Skillfull Persons to prepare "Draughts or Plans of the Boundarys according to the Determina- "tion of the Commissioners who are also to administer an Oath or

" Affirmation to such Clerks or other persons as they shall employ " for the due and faithful Execution of their Trusts. —

" That in case each of the two Provinces whose Boundarys are to " be Settled shall neglect to send to the said Commissioners at their " first Meeting (pursuant to Directions to be sent to the Governor of " those Provinces by the Lords Commissioners for Trade and Planta- " tions) the Names and Places of Abode of two of their Publick Of- " ficers residing in that Province in either of whom or at whose place " of Abode any Notices Summons or final Judgment of the said " Commissioners may be Served or left — And in case they shall also " neglect to send to the said Commissioners at their first Meeting a " plain and full State of their Demands or Pretensions in Writing de- " scribing where and in what Places the Boundarys on the Southern " and Northern part of New Hampshire ought to begin and what " Courses and how far the same ought to run respectively — That " Copys thereof may be mutually exchanged in Order to prevent any " unnecessary Delay and that each Party may come fully prepared " that then the said Commissioners in either of these Cases do pro- " ceed expartê —

" That the said Commissioners be directed to use all convenient " Dispatch in this Affair. —

" That of the Commissioners present at any Meeting he who is " first Named in the list of Commissioners shall preside at such " Meeting and shall issue out the necessary Summons for such Wit- " nesses as either Party shall require

" That no Evidence be allowed of by the Commissioners but such " as shall be Sworn or take an Affirmation before them in Open " Court And that the whole of what such Evidence shall Offer to the " Commissioners be put in Writing by the Clerk in the presence of " the said Commissioners and of the respective Witnesses and that " the same be read to and Signed by the Witnesses. —

" That Entrys be made of all Papers Evidences Deeds Charters " and Proofs received by the Commissioners in this Affair and of all " their Proceedings and Resolutions throughout the same and that " Plans or Draughts of the Boundary Lines as agreed to by them be " annexed and made parts thereof.

" That when the Commissioners shall have made their final Deter- " mination and Signed the same a Copy thereof shall be sent to such " Publick Officer in each respective Province as beforementioned as " likewise Notice of another Meeting to be held at the Distance of " Six Weeks or such further reasonable time as the Commissioners " shall appoint not exceeding three Months At which said Meeting " either of the Provinces who shall find themselves aggrieved may

" enter their Appeal with a Declaration what parts of the Determi-
" nation of the said Commissioners they Abide by or Appeale from
" And that each Province be permitted to take out at their Own Ex-
" pence Copys of the whole Process to be attested by three or more
" of the Commissioners. —

" That if neither party do Enter their Appeale or Exception
" against the Determination of the Commissioners at such last Meet-
" ing then no Appeale or Exception shall be afterwards received or
" admitted and such Determination of the Commiss^rs being Confirmed
" by Your Majesty shall be final and Conclusive to all Partys —

" If Your Majesty shall be pleased to Approve of the several par-
" ticulars aforementioned — The Lords of the Committee beg leave
" humbly to propose that a Draught of a Commission may be pre-
" pared agreable thereto in Order to be past under the Great Seal
" of Great Britain —

" And their Lordships further humbly Offer to Your Majesty that
" the Charges attending this Commission and the Execution thereof
" should be equally born between each Province the Agents of the
" said Provinces having Agreed that it was reasonable so to be —

" And that the good purposes proposed by this Commission may
" not be frustrated by any Failure in the Execution thereof — Their
" Lordships beg leave to propose to Your Majesty that Circular Let-
" ters be wrote by the Lords Commissioners for Trade and Planta-
" tions to the respective Governors of New York New Jersey Nova
" Scotia and Rhode Island acquainting them with Your Majesty's In-
" tentions to issue such Commission as is above proposed and Direct-
" ing them to inform the Commissioners resident within their re-
" spective Provinces of the time and Place intended to be appointed
" by the said Commission for the first Meeting of the said Commiss^rs
" And to recommend it Strongly to such of the said Commiss^rs as are
" able, to go and attend this Duty — And to the end that all Partys
" may be prepared to proceed before the Commissioners at their first
" Meeting — Their Lordships beg leave further to propose that Let-
" ters be likewise wrote by the said Lords Commissioners for Trade
" and Plantations to the Governor of the Massachusetts Bay and
" New Hampshire to recommend to the respective Councils and
" Assemblys of the said Provinces to appoint two of their Publick Of-
" ficers residing in the said Provinces on either of whom or at whose
" Place of Abode any Notices Summons or final Judgment of the
" said Commissioners may be Served or left And to send the Names
" and Places of Abode of such Officers to the said Commissioners at
" their first Meeting together with a Plain and full State of their De-
" mands or Pretensions in Writing describing where and in what

"places the Boundarys on the Southern and Northern part of New "Hampshire ought to begin and what Courses and how far the same "ought to run respectively — And to acquaint them that in case of "their Omission so to do, the said Commissioners are Empowered to "proceed Ex partê —

Which Report being this day Approved, It is thereupon Ordered in Council that His Majestys Attorney and Sollicitor General do prepare and lay before His Majesty at this Board The Draught of a Commission to be past under the Great Seal Agreable to what is therein proposed, And that they do insert in the said Draught such other Clauses as may be necessary in a Commission of this Nature, and as may tend to the better carrying His Majestys intentions in this behalf into Execution And it is hereby further Ordered in Council That the Lords Commissioners for Trade and Plantations do write the Circular and other Letters to the respective Governors of His Majestys Plantations as proposed by the said Report. —

W = Sharpe

1 Aug^{t} 1737. In the morning.

At a Meeting of 4 of the Comm^{rs} then held the above Comm'on was read & W^{m} Parker a Gent of New Hampshire was appointed by the Comm^{rs} to take Minutes of their Proceedings untill there sho^{d} be a quorum of the Comm^{rs} present & an Oath was adm^{r}ed to him for the ffaithfull Discharge of that Trust

Then a Com'ee of 8 Gent appointed by the Gen^{ll} Court of the Province of New Hampshire appeared & laid before the Comm^{rs} a Vote of the Gen^{ll} Court of that Province passed by the Gen^{ll} Assembly 1. April 1737.* appointing them a Com'ee to attend the Comm^{rs} his Ma'tie had or might appoint to mark out the Boundaries between the s^{d} Provinces & to provide Witnesses Pleas & Allegations Papers & Records to be presented & made before the s^{d} Comm^{rs} in that affair & to provide for the reception & entertainm^{t} of the Comm^{rs}, & any 5 of the s^{d} Com'ee to be a Quorum, With an Order upon their Trea'rer to supply the s^{d} Com'ee with such money as might be needfull or necessary in that affair. ffo: 6. 7 —

The New Hampshire Com'ee then laid before the Comm^{rs} in writing the names of 2 Publick Officers (Viz^{t} Rich^{d} Waldron Secr'y & Eleazer Russell Esq^{r} Sheriff of s^{d} Province both of Portsmouth in New Hampshire) on whom the Comm^{rs} Summons or ffinall Judgm^{t} might be served untill ffurther Order made by the General Court —

*Printed. State Papers, Vol. IV., p. 732.

[In place of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4, p. 119.]

Province of New Hamp^{r} } To The Hon^{ble} the Commission^{rs} Appointed by His Majesty's Commission under the Great Seal to Settle the boundary Lines between His Majesty's Province of New Hampshire & the Mass^{a} Bay in New England —

Whereas it is Recommended by an Order of Council & Approved of by His Majesty to the Respective Councils & Assemblies of the Provinces whose Boundaries are to be Settled, to Appoint two of their Public Officers Residing within each Province on either of whom or at whose Place of abode any Notices Summons or final Judgment of the Commission^{rs} may be Served or Left —

And inasmuch as the Council & Assembly of New Hampshire have not been Convened Since the Arrival of the Said Order and that there Should be no failour for want of Such Officers being Nominated. —

We the Committee Appointed by the Gov^{r} Council & Assembly of this Province to Provide Witnesses Pleas &c. to be presented & made before Your Hon^{rs} Do hereby Appoint Richard Waldron Esq^{r} Sec^{ry} of the Province of New Hampshire And Eleazer Russell Esq^{r} High Sheriff of Said Province both of Portsmouth In the Province of New Hampshire — To be Publick Officers On whom or at whose places of Abode any Notices Summons or final Judgment of Your Hon^{rs} may be Served or Left — these we Appoint until further Orders may be made by the General Court —

We are in behalf of His Majestys Province of New Hampshire

Yo^{r} Hon^{rs} Humble Serv^{ts}

Hampton Augst 1st 1737/

Sha^{d} Walton
Geo. Jaffrey
Jotham Odiorne
Theodore Atkinson
And^{r} Wiggin
J Rindge
Tho^{s} Packer
James Jeffry

} Committee

The s^{d} New Hampshire Com'ee also laid before the Comm^{rs} Another paper containing the Demands of New Hampshire with respect to the Boundaries of the 2 Provinces — Which Setts forth

State of the Demands of New Hampshire

[In place of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4, p. 120.]

Prov. of N. Hamp^r } To The Hon^ble the Commissioners Appointed by His Majestys Commission under the Great Seal to Settle the boundary Lines between His Majesty's Province of New Hampshire & the Province of the Massachusets Bay in New England.

We the Subscribers being a Committee Appointed by the General Court of New Hamp^r to lay before Your Hon^rs a plain and full State of the demands & Pretentions of this Province together with Such Pleas & Allegations as we shall think necessary to Support & maintain the Same — Do now Inform Your Hon^rs That New Hampshire is a Small Province Laying principally between that which was formerly the Colony of the Mass^a Bay & that Tract of Land called then the Province of Main which are Now Incorporated into One Province by the Charter of King William & Queen Mary Dated Octob^r 20^th 1691 Bounded Viz —

"All that part of New England in America laying & Extending "from the Great River commonly called Monomack alias Merimack "on the North part, & from three Miles Northward of the Said "River to the Atlantic or Western Sea or Ocean on the South part, "& all the Lands & Hereditaments whatsoever lying within the Lim- "its aforesaid & Extending as far as the outermost points or Prom- "ontories of Land called Cape Cod & Cape Malabar North & South "& in Latitude, breadth, And in Length & Longitude, of & within "all the breadth & Compass aforesaid through-out the main Land "there, from the Said Atlantic or Western Sea, And Ocean on the "East part towards the South Sea, or Westward as far as our Col- "onies of Rhode Island, Connecticut, & the Narragansett Country: "And also all that part & portion of Main Land, beginning at the "entrance of Piscataqua Harbour, and So to pass up the Same into "the River of Newichwannock & thro' the Same into the farthest "head thereof, & from thence North Westward till one hundred and "twenty Miles be finished, & from Piscataqua Harbour mouth afore- "said North Eastward along the Sea Coast to Sagadohock & from "the Period of One hundred & twenty Miles aforesaid to Cross Over "Land to the one hundred and twenty Miles before Reckoned up "into the Land from Piscataqua Harbour through Newichwannock "River & also the North half of the Isles of Shoals" &c. —

In behalf of His Majesty & of his Governm^t of the Province of New Hampshire We do demand & Insist that the Southern boundary of Said Province should begin at the end of three Miles North from

the Middle of the Channel of Merrimack River where it runs into the Atlantick Ocean, and from thence should run on a Straight Line West up into the Main Land (towards the South Sea) until it meets with His Majesty's other Governments —

And that the Northern Boundary of New Hampshire should begin at the Entrance of Piscataqua Harbour & so to pass up the Same into the River of Newichwannock & through the Same into the furthest head thereof and from thence North Westward (that is North less than a quarter of a point Westerly,) as far as the British Dominion Extends, and also the Western half of the Isles of Shoals, we say lyes within the Province of New Hampshire —

We also demand that the Charge Attending the Commission under the Great Seal Impowering Your Hon^{rs} to determine the Said Boundaries & the Execution thereof be Equally Born by Each Province according to the Order of Council of the 9th of Feb^{ry} 1736 and Approved of by His Majesty

All which is Submitted to Your Honours in behalf of the Government of New Hampshire by

Your Hon^{rs} Humble Serv^{ts}

Hampton August 1st 1737

Sha^{d} Walton
Geo. Jaffrey
Jotham odiorne
Theodore Atkinson
And^{r} Wiggin
J Rindge
Tho^{s} Packer
James Jeffry
} Committee

The Comm^{rs} then Ordered the s^{d} Papers to be laid on the Board & Adjourned to 4 o'Clock in the afternoon

The Comm^{rs} at their Meeting in the afternoon according to Adjournm^{t} (when a Quorum of the Comm^{rs} 7 in number attended) Appointed the s^{d} W^{m} Parker to be their Clerk, & George Mitchell Deputy Surveyor of his Ma'ties Woods in North America to be their Surveyor to make Plans & Drafts for 'em, Both whom they swore to the ffaithfull Discharge of their Office — ffo: 12. 13.

Two of the Council of the Province of the Massachusetts Bay then laid before the Comm^{rs} a Vote of the Gen^{ll} Court of that Province passed by the Gen^{ll} Assembly 4 July 1737. —

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 121.]

At a Great and General Court, or Assembly for His Majesty's Province of the Massachusetts Bay in New England, Begun and Held at Boston upon Wednesday the Twenty fifth Day of May. 1737. —

In Council

July, 4th ORDERED, That Josiah Willard Esquire Secretary of this Province, and Edward Winslow Esquire, Sheriff of the County of Suffolk, be, and hereby are Appointed the Public Officers On whom or at whose Place of Abode Any Notices, Summons, or other Process of His Majesty's Commissioners for the Settling the Boundary Line between this Province, and the Province of New Hampshire may be Served or left.

Sent down for Concurrence
Simon Frost Dep^{t} Secry.

In the House of Representatives, July 5, 1737.

Read, and Concurr'd — J Quincy Sp^{kr}
Consented to, — J Belcher
A true Copy Exm'd ℔ — Simon Frost Dep^{t} Sec^{ry}

N. B. The Dwelling House or place of Abode of Josiah Willard Esq^{r} is in School Street, & of Edw^{d} Winslow Esq^{r} above named is in Kings Street in Boston within the Province aboves^{d}
Att^{r} Simon Frost Dep^{t} Sec^{ry}

The s^{d} 2 Members of the Massachusetts Council also laid before the Comm^{rs},

A Letter from the Secr'y of that Province.

[In place of the abstract here entered, this letter is given in full from Masonian Papers, Vol. 4, p. 122, and Province Boundaries, p. 113.]

Gentlemen,

I am Commanded by His Excellency the Governour, and the Council of this Province to acquaint You, That at the Time of the Rising of the General Assembly in Boston, there was no Account that any Commission from His MAJESTY was arrived, or so much as made out, for adjusting of the Differences between this Province, and the Province of New Hampshire, referring to their Boundary Lines, and therefore the said Assembly was Prorogued to the Fourth Day of August, which happens to be Three Days after the first Day of the intended Meeting of the Commissioners on that Affair; That the Assembly appointed a Committee to Draw a State of the Case, respecting the Boundaries, in Order to the Court's preparing a State of their Demands, agreeable to His Majesty's Order in Council; which the Court will doubtless at their first Meeting have ready to

lay before the Commissioners at Hampton without any Delay ; And therefore the Governour and Council Desire You would not suffer this Province to receive such a Prejudice by this short Delay, as will be the Consequence of Your proceeding Decisively without receiving Our Demand : And they are the rather inclined to expect this Justice from you, because they cannot conceive, That by the first Meeting mentioned in the Commission, any thing else can be intended than the first Session where no long adjournment shall intervene, it's not being said the first Day of their Meeting.

And for as much as the Government of New Hampshire have not appointed Persons at whose Places of abode, Summons &c are to be left, the Board apprehend it to be as Essential a Defect, according to the Kings Commission, as the not giving in a State of the Demand, Since That ought to be previous to This ; And that therefore New Hampshire can give in No state of their Demands, nor have them Considered till the Other Article be comply'd with.

On the whole, the Governour and Council doubt not but this Province will have equal Justice from the Commissioners, with the other Province.

I am, Gentlemen,
Your Most Obedient Humble Servant,
Boston, July 27, 1737. J Willard Sec'ry.

Herewith is inclosed the Vote of the General Assembly of this Province referring to the publick Officers at whose Places of Abode Summons's &c are to be left. J W

After reading of which the Court Ordered the ffurther cons: thereof to be deferred to Tuesday 2d Augt & the cons: of the papers laid before the Commrs by the Com'ee of New Hampshire were deferred to a future day & the Court Adjourned to Tuesday at 10. ffo : 16.

2 Augt 1737.

The Commrs read & took into cons: the sd Vote & Letter from the Massachusets & resolved to send an Answer to the Secr'y of the Province of the Massachusetts.

The Com'ee for New Hampshire then Presented a Remonstrance in writing to the Commrs —

[Instead of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4, p. 123.]

Province of New Hampshr } To the Honourable the Commissionrs Appointed by His Majesty to Settle the Boundary Lines between

the Provinces of New Hampshr & ye Massachusets Bay in New England

We the Committe Appointed by the Genl Court of the Province of New Hampshr to prepare a State of the Demands & Claim of the Government of His Majestys Province of New Hampshr and Pleas & Allegations to Support the Same Beg Leave to Observe to Your Honours That this Dispute & Controversy between the two Provinces aforesaid touching their Respective Boundarys has bin Long Subsisting and dureing the whole the Goverm[t] of ye Massachusets Bay has shewn a great Backwardness and Even Aversion to any Measures that had a Tendency to the Settlement thereof (being Concious as We Suppose that they could by no Colour of Right Support their Pretentions and that they made daily Incroachments on the King's Lands) And Since the last Essays on the part of New Hampshr to have the Matter Ended by Peticion to His Majesty Whereby the Affair has bin Brought to the State it now Stands in the Massachusets by their Agent in England used all the Artifices and Devices Imaginable to Procrastinate and Delay the Issue Whereupon the Agent for New Hampshr Warily Guarded against them on that quarter and Peticiond His Majesty in Councill among Other Things that the Commissioners might be Instructed & Directed to make all Conveniant Dispatch, and as an Expediant thereunto that Each of ye Contending Provinces might be Directed and Oblidged to Put in a full and Plain State of their Demands and Pretentions on the first day of the meeting of ye Commissioners Pursuant to Which, His Majestys Commission under the Great Seale which Gives Your Honours Cognizance of this affair Particularly Directs and Commands that all Conveniant Dispatch be Made And in order thereunto that Each Province put in a plain and full State of their Demands & Pretentions in Writeing Describeing Where and in what Places the Boundarys on the Southern and Northern part of New Hampshr ought to begin, and What Courses and how far the Same ought to Run on Pain of Being Proceeded against ex parte for their Neglect (that is as We understand it That Your Honours should Hear only what that Province had to Say which Should Obey the Direction of His Majestys Commission) of which as Well as His Majestys Order of Councill Datd ffebruary ye 9th 1736 to the Same Purpose both the sd Provinces have had timely and Seasonable Notice.

This order and Direction of His Majesty (as all others Relateing to this affair) has been Carefully Observed and Attended by Us of New Hampshr to the Utmost of Our Power on the Part and Behalfe of this Government.

And as the Government of the Massachusets have not Observed and Obeyed It But Agreeable to their usuall Method in this Case

have Delayed the Matter and Made no seasonable Preparation as they themselves Confess as to a State of their Case and Extent of their Claim (in Direct Opposition to that Materiall and Essentiall Clause of His Majesty's Commission) But Instead thereof Pray that Your Honours would Suspend the affair to Give them more time.

We Therefore in Behalfe of the Government of New Hampshire Except Against any Claim or Demand of the Massachusets being now Received by Your Honours And Doe Hereby Utterly Object and Protest against their Puting in and Laying before Your Honours any Evidence of any Kind Whatsoever Relateing to this affair and Against Your Honours Receiveing and Considering any Matter or Thing Whatsoever that they Shall Now Offer

And We in Behalfe of the Government of the Province of New Hampsh^{r} Pray that Your Honours would Proceed upon the Matters in Dispute by the Help of Such Arguments Papers & Evidence as Shall be Lay'd before Your Honours on the Part of New Hampsh^{r} — And that this Our Bill of Exception may be Entered at Large in Your Journalls & Minits and Made a part of the Same

We are in Behalfe of his Majesty's Government of New Hampsh^{r}
Y^{r} Honours Most Obed^{t} Humb^{l} Serv^{ts}

Hampton Augst 2^{d} 1737

Sha^{d} Walton
Geo. Jaffrey
Jotham Odiorne
Theodore Atkinson
And^{r} Wiggin
J Rindge
Tho^{s} Packer
James Jeffry
} Committe

The Court then took under cons: Whether the Massachusetts sho^{d} have a day Assigned them to bring in their Demands & Resolved that they sho^{d} have time till 8 Aug^{t} & no longer to bring in their Claim & Demands & their Clerk was Ordered to write to the Sec'ry of the Province to acquaint him therewith, Which was accordingly done & the Comm^{rs} then Adjourned to Monday 8 Aug^{t} ffo: 20

[This letter is here given in full from Masonian Papers, Vol. 4, p. 124.]

S^{r} The Hon^{ble} the Court of Commiss^{rs} Appointed by His Majesty to Settle the boundary Lines between y^{e} Provinces of the Mass^{a} Bay & New Hamp^{r} have Ordered me to Inform you that they have Receiv'd Your Letter of y^{e} 27 of July last wherein you have made no further Demands than only that they would grant a further time for

y^e^ Prov of the Mass^a^ to prepare a State of their pretentions &c w^ch^ y^e^ Court has Considered & thereupon Resolved that they would Suspend the further Consideration of the Matters in Dispute until Monday y^e^ 8^th^ Inst^t^ at which time (at furthest) they Expect that the Province of the Mass^a^ Send to them a Plain & full State of their Demands or pretentions in Writing describing where & in what places the boundarys on the Southern & Northern part of New Hamp^r^ ought to begin & what Courses & how far the Same ought to Run Respectively — otherwise the Court will agreeable to the Direction in their Commission proceed to Settle y^e^ Said Boundary Lines Ex parte —

by order of the Said Court

Hampton Aug 2. 1737 W^m^ Parker Cler

Josiah Willard Esq^r^ Sec^r^ of y^e^ Prov of the Mas^s^ Bay

8 Aug^t^ 1737

The Com'ee for the Massachusetts Bay being 10 in number laid before the Comm^rs^ a Vote of the Gen^ll^ Court of the Province appointing them Agents in behalf of the Province to attend the Comm^rs^ in support of the Claim of the s^d^ Province, & likewise Presented to the Comm^rs^ the ffoll State of their Demands approved of by the Gen^ll^ Court & Assembly of the Massachusetts.

[This document is here given in full from Masonian Papers, Vol. 4, p. 125.]

At a Great and General Court or Assembly for His Majesty's Province of the Massachusetts Bay in New England, Held at Boston by Prorogation the 4^th^ Day of August, 1737. —

In the House of Representatives August. 5. 1737.

Voted That Elisha Cooke Esq^r^ M^r^ Thomas Cushing Job Almy Esq^r^ Henry Rolfe Esq^r^ and M^r^ Nathaniel Peaslee with such as shall be joined by the Honourable Board be Appointed Agents in behalf of this Province And are hereby fully Authorized and Impowered to Appear before the Hon^ble^ His Majesty's Commissioners Appointed to Settle the Boundaries between this Province and New Hampshire (any Five of whom to be a Quorum) and that they Lay the State of the claims and Demands of this Province relating to the said Boundaries before them, And Support the same in the best manner they can —

Sent up for Concurrence J Quincy Sp^kr^

In Council August. 5. 1737.

Read and Concur'd and Edmund Quincy, William Dudley Samuel Welles, Thomas Berry and Benj[a] Lynde jun[r] Esq[rs] are Joined in the Affair — J Willard Secry —

Consented to. J Belcher/

A true Copy Examined ℔ J Willard Sec'ry.

State of Massachusetts Demands ffo: 24 to 27.

[In place of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4, p. 126.]

Province of the Massachusetts Bay in New England } To The Honourable His Majestys Commissioners for marking out and setleing the Boundarys between the Province of the Massachusetts Bay, and the Province of New Hampshire as well on the Southern as on the Northern part of New Hampshire

A Brief and Plain State of the Claims and Demands of the Prov ince of the Massachusetts Bay touching the Boundarys aforesaid by them presented —

Whereas His Majesty King Charles 1[st] by His Letters Patents Dated 4 Car. March 4[th] 1628 Erected the Colony of the Massachusetts Bay into a Corporation Government Describing their bounds to Comprehend all the Lands lying between Merrimack River and Charles River and all the Lands lying within three miles on the Southside of Charles River or any part of it and all the Lands lying within three miles and to the Northward of Merrimack River or any part of it, and all the Lands within the Limits aforesaid North and South in Latitude and breadth, and in length & Longitude within all the breadth aforesaid throughout the Main lands from the Atlantic Ocean to the South Sea.

And afterwards by his Letters Patents Dated Anno 1639, erected the Province of Main bounding it on the Southwest Thus Viz[t] beginning at the Entrance of Piscataqua Harbour passing up the Same to the River Newichwannock thrô that to the furthest head thereof, and from thence to run Northwestward till one hundred and twenty miles be finished —

On the 20[th] July 1677 upon the Petition of M[r] Mason, and M[r] Gorges against the Colony of the Massachusetts Bay, the Northern bounds of this Colony were brought in Judgment before His Majesty King Charles the Second and after Several References and Hearings His Majestys final Judgment in Council thereupon was given Viz[t] That the North and South bounds of this Colony so far as the Rivers extend shall follow the Course of the Rivers, but when those

known boundarys determine, the breadth shall be carried on by Imaginary Lines to the South Sea.

Upon that Supream Judicial Determination and within two years after it King Charles the Second by his Letters Patents Erected the Province of New Hampshire bounding the Same from three miles Northward of Merrimack River, or any part thereof, to the Province of Main.

King William and Queen Mary by their Letters Patents dated 7th October 1691 united the late Colony of the Massachusetts the Province of Main with other Adjacent Territorys and erected them into One Real Province by the Name of the Province of the Massachusetts Bay in New England with which the Southern and Northern boundarys of Newhampshire are now to be Setled marked out, and plans thereof made to prevent all future Disputes concerning the Same.

Now therefore Pursuant to these Antient Grants from the Crown made above a hundred years agoe acknowledged and more particularly explained in that Judicial Determination of the King in Council and recited and Confirmed in the Province Charter, The Province of the Massachusetts Bay Claim and demand Still to hold and possess by a boundary Line on the Southerly Side of New Hampshire beginning at the Sea three English miles North from the black Rocks So called, at the Mouth of the River Merrimack as it Emptied it Self into the Sea Sixty years agoe, thence running Parralel with the River as farr Northward as the Crotch or parting of the River, thence due North as far as a certain Tree Commonly known for more than Seventy Years past, by the Name of Indicots Tree, Standing three English miles Northward of said Crotch or parting of Merrimack River, And from thence due West to the South Sea, which they are able to prove by Antient and Incontestable Evidences are the bounds intended Granted and Adjudged to them as aforesaid; which Grant and Settlement of King Charles the 2d Anno 1677 as abovesaid, we Insist upon as Conclusive and Irrefragable.

And on the Northerly side of New Hampshire a boundary Line beginning at the Entrance of Piscataqua Harbour passing up the Same to the River Newichwannock through that to the furthest head thereof, and from thence a due Northwest Line, till one hundred and twenty miles from the Mouth of Piscataqua Harbour be finished, which is the extent of the Province of the Massachusetts Bay on that part, And therefore We doubt not but that you will Judge it just and reasonable to Order the bounds and lines beforementioned to be run, mark'd out and Established accordingly, so far as New Hampshire extends; and desire that plans thereof may be made for the perpetual Remembrance of them —

By Order of the Great and General Court or Assembly for the Province of the Massachusetts Bay in New England aforesaid —
Boston August 5th 1737. J Willard Sec'ry.

ffo : 27. The Commrs after having heard the Demands of each Province read Ordered their Clerk to prepare Copys thereof to be mutually Exchanged in order to their answering the same Which being done & the Copys Exchanged in Court The Court Adjourned to the next day being the 9th of that Augt that the resp'ive Com'ees might then Present their Ansrs to each others Demand — And accordingly

9 same Augt ffo : 28 — The Commrs met & appointed another Clerk Benjamin Rolfe a Massachusetts man & neither of the Com'ees being ready with their Ansrs The Court Adjourned to Wednesday the 10th

10 Augt 1737 — Further Adjournment to 11th

[*Gov. Belcher's Message to N. H. Assembly*, 1737.]

[Mss. Prov. Boundaries, p. 125.]

Gentm of the Councill and house of Representatives —

His Majties Commissioners for Settling the boundries Between this Province and that of the Massachusetts Bay being arrived and ready to Enter on their busness the first thing this Assembly has to do, is the Chuseing and Appointing two Officers with whome any Notice from the said Commissioners may be left Agreeable to his Majties Commission —

I prorogued this Court to this time and place & that of the Massa to the Town of Salisbury that the two Assemblys Might Sit Near to one another ye better to facilitate all Matters that may be brott forward respecting this Long Depending Controversy, to which I heartily wish a just And frindly Issue —

Hampton Augst 10th 1737 J Belcher

11 Augt 1737 — The Commrs met (& the Massachusetts having obtained lib'ty to amend 2 Clerical mistakes in dates in their Claim & lib'ty being also granted to the New Hampshire Com'ee to Amend their Ansr where it referred to the mistakes in the sd Claim which being done) Both Province delivered in their Answers to each others Claim to the following effect.

Answer New Hampshire to Massachusetts Claim. ffo: 29

[In place of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4, p. 127.]

PROVINCE OF NEW HAMPSH^r } TO THE HONOURABLE HIS MAJESTY'S COMMISSIONERS for Marking out & Settling the Boundaries between the Province of New Hamp^r & the Province of the Mass^a Bay in New England

SAVING the benefit & Advantage which may Arise from the Bill of Exception And Protest as filed in Court the Second Inst^t, in behalf of His Majesty's Governm^t of New Hampshire — This is Presented to Your Hon^rs as a Reply to the Demands & Pretensions of the Province of the Mass^a Bay Entred & filed the Eighth Curr^t as also in Support of the Demands & Pretensions of the Province of New Hampshire as Enter'd the first Inst^t — And in the first Place We beg Leave to Observe to Your Honours that they begin with the Charter of King Charles the first Dated in 1628, And the Grant for the Province of Main in 1639, as also with Informing Your Hon^rs of a Determination of His Majesty King Charles the 2nd in the Year 1677 of a Dispute between M^r Mason & M^r Gorges on the One part, & the Late Colony of the Mass^a on the other part, And which they Insist on as Decisive in the Present Controversy and as they term it Irrefragable — In Answer to which we Say, that If they had an Intension to make any Use of that Judgment they have Slip'd the proper Season for it, it would have been (as we Apprehend) proper to have pleaded it in bar to any New Tryal, in answer to the Petition for the Same to His Majesty in behalf of the Province of New Hamp^r that it cannot with Propriety be considered in the Merit of the present Cause even Supposing that that Determination had been on their Present Charter —

But we further Say, that Judgment is nothing to the purpose in the Present Dispute And Ought by no means to weigh in Your Hon^rs Judgment, for we Insist that it is Intirely Void — as will Appear if your Hon^rs will please to Observe, that in the Year 1684 in the thirty Sixth Year of the Reign of King Charles the Second Judgment was given in the Court of Chancery upon a Writ of Scire facias bro't & prosecuted in Said Court against the Gov^r & Company of the Massachusets Bay in New England, for Cancelling Vacating and Annihilating the said Charter granted by King Charles the first, as may more Largely Appear by their Present Charter — So that by the afores^d Judgment there was an end to all the Particular bounds & Privileges granted by the Said Charter and also of the Constitution it Self — And then the Province of the Mass^a Bay was under the Kings Im-

mediate Government, until the Year 1691 when upon the Application of Persons Imploy'd as Agents for the Massachusets, to their Majestys King William & Queen Mary, a New Charter was granted which appears by the Said Charter. Which Charter was Received by the Petition[rs] & which they Govern themselves by, & Look upon as the basis and foundation of their Constitution, & from which they Date their first Laws all before that time having by the aforesaid Judgment been Annihilated. —

Now this Charter differs from the former in many Material points, but Especially in the bounds of the Province, & by this Charter only the Present Dispute must be Determin'd. which bounds they urge must "begin at the Sea three English Miles North from the black "Rocks So called at the Mouth of the River Merrimack as it Emp-"tied it Self into the Sea Sixty Years ago, thence running Parralel "with the River as far Northward as the Crotch or parting of the "River thence due North as far as a Certain Tree commonly known "for more than Seventy Years past by the Name of Indicots Tree "Standing three English Miles North ward of the Said Crotch Or "parting of Merrimack River, & from thence due West to the South "Sea" &c —

In Answer to which we Say we know of no Such Tree as they mention, nor can we distinguish that Crotch of the River they speak of, from many other Crotches or partings of the River Merrimack, there are between the mouth of the River & Winnepiseoke Pond — We find no mention made of them in their Charter, & therefore think that neither the Crotch nor Tree meant, can be any guide in finding out the true Line or bounds of that Province, on the Side we are Debating on. & we say the Same with Respect to the black Rocks they speak of — But We Apprehend & therefore Insist that the three Miles North from Merrimack River is to be taken from the Middle of the Channel of the River, for there it properly runs into the Atlantic Ocean ; And it was the Opinion of the Attorney & Solicitor General in the Year 1734 "that the Dividing Line Between "the Province of New Hampshire & the Province of the Mass[a] Bay "is to be taken according to the Intent of the Charter of William & "Mary from three Miles North of the Mouth of Merrimack River "where it Runs into the Atlantic Ocean." as may at large Appear by an Authentic Copy of the Said Opinion under their hands in Court now to be produced, (which we pray Your Hon[rs] may be Receiv'd & Enter'd at Large in Yo[r] Journels & made part of this Case), from which Opinion in this point we cant think your Hon[rs] will differ. And as to Running Parallel with the River so far as they would have it, we say this would not Agree even with the Old Charter, be-

cause Impossible, for by the Express words of that Charter, this Line was to run three miles North of Merrimack River, or to the Northward of any & every part thereof. — now this River runs from the Atlantic Ocean near a West Course about thirty five Miles, then North (nearest) about five & fifty Miles, before it Comes to y^e^ Crotch which we Suppose is meant. And how a line can run Parallel to a River that Runs North and Yet be three Miles North of the River, we are not able to Conceive. from whence we Conclude, that at the time of granting the first Charter, the River was not known or not Considered So far up as where it turns to the North, or was known in that part of it by Some other name; otherwise no Rational Construction of that part of the Said Charter can be made — And this we presume was the Reason of that Determination in 1677 which they refer to: for that, cannot be Reconciled with the words of the Charter afores^d^ upon any other Supposition, because they were to carry the Same breadth from the Atlantic Ocean to the South Sea, which wou'd not be, if they were to Run fifty five miles North of the Mouth of Merrimack Instead of three — Now if such a Parallel to the River could not be by the old Charter, much less can it be by the New Charter, because (among Several other Reasons that might be given) those Important & Material Words, "to the Northward of any & every part thereof", are left out of the New Charter. the bounds of which we shall in the next place Consider — This Charter describes the Northern Boundary of the Prov. of y^e^ Mass^a^ thus, "Extending from the Great River called Mono-"mack Alias Merrimack on the North part, & from three Miles "Northward of the Said River to the Atlantick or Western Sea or "Ocean on the South part and all the Lands & Hereditaments what-"soever lying within the Limits aforesaid & Extending as far as the "Outermost points of Land called Cape Cod & Cape Malabar North "& South, & in Lattitude, breadth, and in Length & Longitude of & "within all the breadth & Compass aforesaid, thro' out the Main "Land there from the Said Atlantic or Western Sea & Ocean on "the East part, towards the South Sea or Westward as far as our "Colonies of Rhode Island Connecticut & the Narragansett Coun-"try" — the most Rational Construction of which we Say is, that this boundary should be a Straight Line, beginning at the end of three English Miles, taken from the Middle of Merrimack where it runs into the Ocean, & Running North, and from thence to run on a West Course till it Comes to the End of the Prov. of the Mass^a^ — for the following Reasons — first the Epithet, Great, given to Merrimack River was not, as we take it, to distinguish that from other Rivers, because there are Several in the Country Larger, but to dis-

tinguish the Main body & Principal part of this River from those branches & parts of the Same less noted, & which are often called by other names, & So the more plainly to point out where the three Miles which is to Run North of the Said River Should begin, viz at the great River, & not at a branch thereof, and also at the principal or most Remarkable part thereof namely the Mouth of the River — then the Course is by the Charter, to Run from the end of the Said three miles, South until it Comes to the Atlantic Ocean on the South Side of Cape Cod & Cape Malabar So that the Province is North & South in Lattitude & breadth from the end of the Said three Miles over to that part of the Atlantic Ocean which washes the South Side of the Said Capes, then the Length is to be of & within the breadth & Compass aforesaid thrô out the main Land, beginning at y^e^ Atlantic, at the end of the Said three Miles; now tis not possible to be within the breadth afores^d^ by running a Line Parallel to the River, or any other than a West Line; because the breadth will alter in every point, where the Line varies from the West. So that if those words in the Charter viz *within all the breadth & Compass afores*^d^ as also those other *North & South in Lattitude & breadth*, are of any Significancy this Must be a West Line, which is to begin at the Atlantic Ocean at the East end of the Said Province — And this Leads us to Observe —

Secondly that the Governour & Company of the Mass^a^ Bay had the Same Notion & Apprehension of their Northern Boundary even under their Old Charter, as Appears by their "Declaration of their "Right & Claim to the Lands in their possession (at that time), but "pretended to by M^r^ Gorge and M^r^ Mason, together with an Answer "to their Several pleas & Complaints in their Petitions Exhibited — "Humbly Presented & Submitted by the Said Governor & Company "to the Kings most Excellent Majesty as their Defence" — where they Say, "Our Patent According to the Express Terms therein con- "tained, without any Ambiguity or Colour of other Interpretation, "lyes between two East & West Parallel Lines" &c — And after mentioning the Breadth of their Said Patent, they Justly Draw this Inference, viz, "And therefore cannot be bounded by ma'y hundreds "Or Infinite Numbers of Lines as the River Merrimack bends in "two hundred miles Passage from Winnipoisekek Lake to the Mouth "thereof; which to Imagine, as it is Irrational, So would It Involve "us and any borderer into So many Inextricable Disputes, as are no "ways to be Admitted by a Prince Seeking his Subjects peace —. An Authentic Copy of this we have in Court to be produced — If this Argument has weight (as in truth it has), with Respect to the bounds of the old Charter, All unbiass'd Persons, we think will See it has

much more when the bounds of the New Charter are under Consideration — To this possibly may be urg'd the Judgment of the King in Council afterwards, (before mentioned.) In answer whereto besides what is Said before on that head, we Say that it is very Improbable that the English People had any knowledge of the Length & Course of the River at that time for more than thirty Miles, (in which Distance tho' there are many turnings & Windings, Yet it makes good a West Course, nearest) — Except what Information they had from the Indians, which at that time was Very uncertain as to those points. but be that as it will it is plain from the Judgment it Self the turn of the River & its Course North, was either not known, or not Considered by those that Sat in Judgment — And besides the leaving out those Words, *or to the Northward of any & every part thereof*, makes a Vast alteration, as we take it, they being the Only words in the Charter, they were then Considering which, could Influence in making it A Crooked Line —

Thirdly In the Demands which the Province of the Mass[a] have now laid before Your Hon[rs] after they have Run with the River till they come to their Tree afores[d], they Say they are to Run due West to the South Sea — Now we cant conceive how they come to Pitch on a due West Course from that Tree, any more than any other, a North West or Some other Course more Northerly than West would gain More Land ; Or whatever the Reasons may be with them for a West Course from thence, we cant but think those very Reasons if duly Attended to, would Convince them it ought to be a West line from the Atlantic Ocean. They Confess a West line from the Said Tree, there is then by their own Shewing to be a West Line on part of this Side of their Province, & why it should not begin before they come to that Tree we can See no Reason in the Charter, which We think is the only proper guide in this matter — we are Sure it will never speak the Language they would have it (according to their scheme) without forcing & Squeazing, & Commenting away the Natural & Genuine Sense of it. —

We would further Observe to Your Hon[rs], that it is Remarkable, that when "the Lords Commissioners for Trade & Plantations Re-"fer'd that Question viz From what part of Merrimack River the "three Miles from whence the Dividing Line between the Province "of New Hamp[r] & the Province of the Mass[a] Bay is to begin, ought "to be taken according to the Intent of the Charter of William & "Mary? they Say nothing of the Course, but that they Judg'd it must be a Strait Line may Naturally be Inferr'd from the Question they put namely at what place the Line must begin, for of what Importance is it where the line begins if it is to Run parallel to the

River at three miles Distance, would it have been worth their Lordships while to have troubled themselves & those worthy Gentlemen, & for them to pass thro' the formality of Several Publick hearings, & Arguments by Council, only to Determine a Question of no Consequence, & which is a matter of Indifference however determin'd ?

But the Mass[a] tell your Hon[rs] they are able to prove the Line they have describ'd to be the bounds *Intended, granted & Adjudged to them by Ancient & Incontestible Evidences* As to this we would say, that the Line we are now Speaking of was never yet actually marked out, & if by Evidences they mean living Witnesses, that cannot be, for, to prove the meaning of the words of the Charter in that manner, would be like Making out & proving a point of Law by Witnesses — as for Records, if that is the Evidence meant, there can be none Sufficient for that purpose, but a Record of a Judgment after a Legal and Regular Tryal, of which there is none to be produced Since the New Charter, as for that, upon the old Charter we have nothing to do with it, & of that Opinion is the King & Council, as may Rationally be Inferr'd from the Grant of the Commission Impowering Yo[r] Hon[rs] to hear & Determine this Dispute. for if that Determination in 1677 is as they Say, Irrefragable, then the Present Tryal is vain — In a word as we desire nothing but Common Justice, & that this Controversy may be fairly & Impartially ended, so we shall offer neither Testimonies nor anything Else, that may puzzle the Cause, & of that your Honours will we doubt not be fully Convinc'd — What is offer'd in the Demands of the Mass[a] Appears to us so highly unreasonable that we have been led to Say more than otherwise we should —

But on this part of the Dispute we would only Add that if after all yo[r] Hon[rs] should be Inclind to think this Line was Intended to be a Parallel to the River, we cant think that you will with them be of Opinion it should be so where the River Runs North, because to us it appears an affront to Common Sense.

As to the Northern boundary of New Hamp[r] or the Line that should be run between that part of the Province of the Mass[a] Bay which was the late Province of Main & New Hampshire, We think that the Mass[a] can Claim no further than the bounds Set forth in their Charter, & the Settling that point ends the Dispute, for we say what is not within their Province is within ours ; Now the words of the Charter must be the guide here as well as on the other Side, & So far as the River Runs there can be no Dispute, & by the word Directing the Course afterwards viz North-Westward, can with propriety be meant nothing but a few Degrees West of the North, and is an Equivalent expression or the Same with, North Westerly, which

is always understood to mean a few Degrees less than a Quarter of a point West of the North. And this Course it ought to Run from the head of the River Now Called Salmon falls which is at a Pond — We are Confirm'd in this Opinion, because the half of the Isles of Shoals lays in the Province of the Mass[a] viz the Easterly half between which & the other half ly's the Harbour or Road, which is near South from Piscataqua River, now if the Line from the head of the River should be Northwest this from the mouth of the River should be South-East, & then all the Isles of Shoals will fall in the Province of New Hamp[r] Contrary to the Express words of the Charter —

Now whatever Lands lays between the late Province of Main & a West Line Run three miles North of Merrimack as afores[d] we Say belongs to the Province of New Hampsh[r] & has by virtue of the Kings Commissions from time to time been Erected into & Established a Province by the Name of New Hamp[r] with Such Powers & Privileges as have been therein Particularly Granted — And all the Lands lying Still west as far as the British Dominion Extends we Claim in the Right of His Majesty in Opposition to the Grant to the Massachusets Bay —

All which we Submit to your Hon[rs] Consideration & Judgment And Humbly pray all Convenient Dispatch —

We are in behalf of His Majestys Government of New Hampshire Your Hon[rs] Humble Servants

Sha[d] Walton
Geo. Jaffrey
Jotham Odiorne
Theodore Atkinson
And[r] Wiggin
J Rindge
Tho[s] Packer
James Jeffry
} Committee

Answer Massachusetts to New Hampshire Claim ffo: 42.

THE ANSWER of the MASSACHUSETTS to the New Hampshire Claim was in substance as follows

[In place of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4, p. 128.]

Province of the Massachusetts Bay in New England } To the Hon[ble] His Maj[tys] Commissioners for marking out and Setling the Boundaries between the Provinces of the Massachusetts Bay

and New Hampshire as well on the Southern as on the Northern part of New Hampshire. —

The Answer of the Province of the Massachusetts Bay to the State of the Demands & pretensions of the Province of New Hampshire Exhibited by a Committee appointed by the General Court of Said Province. —

And the s^{d} Province of the Massachusetts Bay reserving to the Said Province all future benefit & advantage of making and Exhibiting any further or other Answer unto the State of the Demands aforesaid when and So Soon as one or more Skilful persons Shall prepare Draughts or plans of the Country and Boundaries as also when the Depositions of Such Witnesses (a List of the Names of which is herewith laid before Yo^{r} Hon^{rs} by said Province) are taken pursu ant to the express direction of His Maj^{tys} Royal Commission to Yo^{r} Hon^{rs} directed So farr as the S^{d} Province at this time ought to be held to make answer unto, for Answer Saith —

That they conceived and accordingly insist they ought not by His Maj^{tys} Royal Commission afores^{d} to be held to contend with Our Sovereign Lord the King in the premisses aforesaid, but with the province of New Hampshire only touching the Boundaries of said province ; neither is the committee afores^{d} who Exhibited the State afores^{d} duly Authorized & qualifyed to represent Our s^{d} Lord the King in manner and form as they Set forth in the State afores^{d}, and of this the s^{d} province of the Massachusetts prays the Judgment of this Hon^{ble} Court, And the Province of the S^{d} Massachusetts for further Answer Saith, That the Southern Boundary of Said province of New Hampshire ought not by Law to begin at the end of three miles North from the middle of the Channel of Merrimack River where it runs into the Atlantic Ocean, nor from thence to run on a Streight line West up into the Main Land towards the South Sea until it meets with His Maj^{tys} other Governm^{ts} But by Law and Justice the Southerly Boundaries of the Said Province can only be extended to the Northerly Boundaries of the S^{d} Province of the Massachusetts, which was first Incorporated, and which said Northern Boundary begins at the Sea three English miles North from the Black Rocks, so called, at the mouth of Merrimack River, as it emptied it Self into the Sea Sixty years ago, thence running Parallel with the River as farr Northward as the Crotch or parting of the River thence due North as farr as a certain tree commonly known for more than Seventy years past, by the name of Indicots tree, standing three English miles Northward of said Crotch or parting of Merrimack River, and from thence due West to the South Sea, All which the Said province of the Massachusetts Bay Averrs to be the true

just and legal Northern Boundary of said Province; For that His Majesty King Charles the First by his Letters Patents dated the fourth day of March Anno Dom^ni 1628, And In the Fourth year of his Reign Erected the Colony of the Massachusetts Bay into a Corporation Government, and thereby described the premisses So Incorporated and the Bounds thereof in the words following viz^t "All that "part of New England in America afores^d which lyes and extends "between a Great River there commonly called Monomack alias "Merrimack, and a certain other River there called Charles River "being in the bottom of a certain Bay there commonly called Massa- "chusetts alias Mattachusetts alias Massatusetts Bay, and also all & "Singular those Lands and hereditaments whatsoever lying within "the Space of three English miles on the South part of the s^d "Charles River or of any or every part thereof, And also all & "Singular the Lands and hereditaments whatsoever lying and being "within the Space of three English miles to the Southward of the "Southermost part of the Said Bay called Massachusetts alias Mat- "tachusetts alias Massatusets Bay, And also all those Lands and "hereditaments whatsoever which lye and be within the Space of "three English miles to the Northward of the said River called "Monomack alias Merrimack or to the Northward of any and every "part thereof, And all Lands and hereditaments Whatsoever lying "within the limits afores^d North and South in Latitude and breadth "and in length and Longitude of and within all the breadth afores^d "throughout the Main Land there from the Atlantick & Western "Sea and Ocean on the East part to the South Sea on the West part; And by the Said Letters Patents, it is further expressed and declared in the words following Viz^t "And We do further for Us Our "Heirs and Successors Ordain and Grant to the said Governour & "Company and their Successors by these presents, that these our "Letters Patents shall be firm good Effectual and available in all "things and to all intents & Constructions of Law according to our "true meaning herein before declared, and Shall be Construed re- "puted & adjudged in all Cases most favourably on the behalf and "for the benefit and behoof of the said Governour and Company "and their Successors altho' express mention of the true yearly "value or certainty of the premisses or of any of them or of any "other Gifts or Grants by us or any of Our Progenitors or Predeces- "sors to the aforesaid Governour and Company before this time "made in these presents is not made or any Statute Act Ordinance "provision proclamation or Restraint to the contrary thereof hereto- "fore had made Published Ordained or provided or any other matter "cause or thing whatsoever to the contrary thereof in any wise not-

"withstanding; As by the said Letters Patents (now before Your Hon^rs produced) reference thereto being had, may more fully appear. And afterwards His said Majesty King Charles the First by his Letters Patents dated the third day of April and in the fifteenth year of his Reign Erected the Province of Main bounding the Same on y^e Southwest in the words following viz^t "All that part purpart and portion of the Main Land of New England aforesaid beginning at the Entrance of Piscataqua harbour and So to pass up the Same into the River of Newichawanock, and thro' the Same unto the furthest head thereof, and from Thence North Westward till One hun-"dred & Twenty miles be finished, As by the S^d Letters Patents, also now produced, (relation thereunto being likewise had) may more fully appear. And their Maj^tys King William and Queen Mary by their Letters Patents dated the Seventh day of October Anno D'ni 1691, And In the Third year of their Reign, United the Said late Colony of the Massachusetts Plimouth and the Province of Main with other adjacent Territories and Erected them into One Real Province by the Name of the Province of the Massachusetts Bay in New England and described and bounded the premisses So Erected as afores^d in the words following viz^t "All that part of New England "in America lying & Extending from the Great River commonly "called Monomack alias Merrimack on the North part and from three "miles Northward of the said River to the Atlantick or Western "Sea on the South part, and all the Lands and hereditaments what-"soever lying within the limits afores^d and extending as farr as the "outermost points or Promontarys of Lands called Cape Codd and "Cape Mallebar North and South and in Latitude breadth and in "length and Longitude of and within all the breadth and compass "afores^d throughout the Main Land there from the Said Atlantick "or Western Sea and Ocean on the East part towards the South Sea "or Westward as farr as Our Colonys of Rhode Island Connecticut "and the Narragansett Country. Also All that part or portion of "Main Land beginning at the Entrance of Piscataqua harbour and "so to pass up the Same into the River of Newichawanock and thro "the Same unto the furthest head thereof and from thence North "Westward till One hundred and twenty miles be finished, And in and by Said Letters Patents there are these further words viz^t "Pro-"vided it Shall and may be lawful for the Said Governour & General "Assembly to make or pass any Grant of Lands lying within the "bounds of the Colonys formerly called the Colonys of the Massa-"chusetts Bay and New Plimouth and Province of Main in such "manner as heretofore they might have done by virtue of any former "Charter or Letters Patents which Grants of Lands within the

"Bounds aforesaid, We do hereby Will and Ordain to be and con-
"tinue for Ever of full force and effect, without Our further Appro-
"bation and consent," As in and by said Letters Patents in like manner produced before Your Honours and reference thereto also had more fully will appear. Whereby it expresly appears, and the Province of the Massachusetts relies and Insists upon it, that all those Lands Territories and Premisses contained within the Limitts and bounds of the said Colony of the Massachusetts Bay Plimouth and the Province of Main with the adjacent Territories are contained and Included in the Lands Territories and Premisses Expressed and declared by the last mentioned in part recited letters Patents that Erect and Constitute the Province aforesaid, and by Law the said Province in regard to Jurisdiction or property ought not to be Ousted of any part or Parcell thereof but ought to hold the same accordingly, And the Province of the said Massachusetts Bay further for Answer say, that upon the Complaint of M^r^ Mason and M^r^ Gorges against the Government of the Massachusetts Bay, the Lords of the Committee for Trade and Plantations did in pursuance of his Majesties order in Council of the 7^th^ of ffebruary 1676 report unto his then Majesty in Council touching the then matters in controversy between the then Corporation of the Massachusetts Bay in New England, and M^r^ Mason and M^r^ Gorge touching the right of Soil and Government Claimed by the said parties in certain Lands there, by Virtue of several Grants from His then Majestys Royall Father and Grandfather in the Words following Viz^t^

[This document is here given in full from Mss. Prov. Boundaries, p. 1.]

At the Court at Whitehall the 20^th^ of July 1677.

PRESENT, The Kings most Excellent Majesty

Lord Chancellor
Lord Treasurer
Lord Privy Seal
Duke of Ormond
Marquess of Worcester
Lord Chamberlain
Earl of Northampton
Earl of Peterboro'
Earl of Strafford
Earl of Sunderland
Earl of Bath
Earl of Craven
Lord Bishop of London
Lord Maynard
Lord Berkley
Lord Vice Chamberlain
M^r^ Secretary Coventary
M^r^ Secretary Williamson
M^r^ Chancell^r^ of the Exchequer
Master of the Ordnance
M^r^ Speaker

Whereas the Right Hon^ble^ the Lords of the Committee for Trade and Plantations did in Pursuance of an Order of the 7^th^ of February last make Report to the Board of Matters in Controversy between the Corporation of the Mass^a^ Bay in New England, And M^r^ Mason & M^r^ Georges touch^s^ the Right of Soil and Governm^t^ claimed by the said Parties in certain Lands there by Virtue of Several Grants from his Majestys Royal Father and Grand Father as followeth in haec Verba

May it Please your Majesty — Having rec^d^ Your Majestys Order in Council of the 7^th^ of Febr^y^ last Past whereby We are directed to Enter into the Examination of the Bounds & Limits with the Corporation of the Massachusets Bay in New England on the one hand & M^r^ Mason & M^r^ Gorges on the other do pretend by their several Grants & Patents to have been Assigned unto them, as also to Examine the Patent and Charters which are insisted on by either side in Order to find out & Settle how far the Rights of Soil or Governm^t^ do belong unto any of them.

In Consideration whereof the Lords Chief Justices of Y^r^ Majestys Courts of Kings Bench & common Pleas were appointed to give us their Assistance; We Did on the fifth of April last together with the Lords Chief Justices meet in Obedience to Your Majestys Commands, And having heard both Parties by their Council Learned in the Law we did Recommend unto their Lordships to Receive a State of the Claims made by both Parties & to Return their Opinions upon the whole Matter unto us; Which their Lordships have accordingly Performed in the Words following.

In Obedience to Your Lordships Order, We appointed a Day for the Hearing of all Parties, & considering the Matters referred, Having received from them such Papers of their Cases as they were Pleased to deliver; At w^ch^ Time all Parties appearing, the Respondents did disclaim Title to the Lands claimed by the Petitioners, And it appeared to us that the said Lands are in the Possession of several other Persons not before us; Whereupon we thought not fit to Examine any claims to the said Lands, It being (in our Opinion) improper to Judge of any Title of Land without Hearing the Ter-tenants or some other Persons on their Behalf, And if there be any Course of Justice upon the Place having Jurisdiction, We esteemed it most Proper to direct the Parties to have Recourse thither for the Decision of any Question of Property until it shall Appear that there is just cause of complaint against the Courts of Justice there for Injustice or Grievance.

We did in the Presence of the said Parties examine their several Claims to the Governm^t^ & the Petitioners having waved the Pretence

of a Grant of Governm^{t} from the Council at Plymouth wherein they were convinced by their own Council that no such Power or Jurisdiction could be transferred or assign'd by any Colour of Law.

The Question was Reduced to the Province of Mayn whereto the Petitioner Gorges made his Title by a Grant from King Charles the first in the 15th Year of his Reign made to Sir Ferdinando Gorges & his Heirs of the Province of Main & the Governm^{t} thereof. In Answer to this, the Respondents alledged that long before; Viz^{t} in Quarto Car. Primi, the Governm^{t} was granted to them & produced Copys of Letters Patents, wherein it is Recited that the Council at Plymouth having granted to certain Persons a Territory thus described. "All that Part of New England in America, which lyes and "extends bettween a great River there commonly called Monomack "alias Merrimack. And a certain other River there called Charles "River being in the bottom of a certain Bay there called the Massa-"chusets Bay and also all & singular the Lands and Hereditam^{ts} "whatsoever lying and being within the Space of three English Miles "on the South Part of y^{e} said Charles River or of any or every Part "thereof, And also all and singular the Lands and Hereditam^{ts} what-"soever lying & being within the Space of three English Miles to "the Southermost Part of the said Bay called Massachusets Bay, & "all those Lands & Hereditam^{ts} whatsoever which ly & be within the "Space of three English Miles to the Northward of the said River "called Monomack alias Merrimack or to the Northward of any and "every Part thereof, & all Lands & Hereditam^{ts} whatsoever lying "within y^{e} Limits aforesaid North & South in Latitude & Breadth "& in Length & Longitude of & within all the Breadth aforesaid "thrô out the Main Lands there from the Atlantick & Western Sea "& Ocean on the East Part to the South Sea on the West."

By the said Letters Pattents the King confirmed that Grant made them a Corporation & gave them Power to make Laws for the Governing the Lands and the People therein.

To this it was Replyed that the Patent of 4^{o} Car. 1^{mi} is invalid.

1 Because there was a precedent Grant 18^{o} Jacobi of the same thing then in being which Patent was surrendered Afterwards before the Date of the other. 15^{o} Car. 1^{mi}

2 The Grant of the Governm^{t} can Extend no further than the ownership of the Soil, the Boundaries of w^{ch} as Recited in that Patent wholly Excludes the Province of Mayn which lyes Northward more than three Miles beyond the River Merimack.

We having considered these Matters do humbly conceive as to the first Matter, That the Patent of 4^{o} Car. 1mo is good notwithstanding the Grant made in the 18^{o} Jac. for it appeared to us by the Recital

in the Patent 4° Car. 1mi That the Council of Plymouth had granted away all their Interest in the Lands the Year before, And it must be Presumed they then deserted the Governmt wereupon it was Lawful & Necessary for the King to establish a suitable Frame of Governmt according to his Royal Wisdom, Which was done by that Patent 4° Car. 1mi Making the Adventurers a Corporation upon the Place.

As to the Second Matter, It seems to us to be very clear, That the Grant of the Governmt 4° Car. 1mi extends no further then the Boundaries Expressed in the Patent, and those Boundaries cannot be construed to extend further Northward, *Along* the River Merimack than three English Miles.

For the North and South Bounds of the Lands granted so far as the River extend *are to follow the Course of the Rivers, Which make the Breadth of the Grant*, the Words describing the Length to comprehend all the Lands from the Atlantick Ocean to the South Sea of & in all the Breadth aforesaid do not Warrant the Over reaching of those Lines by imaginary Lines or Bounds; other Exposition would in our Humble Opinion be unreasonable & against the Intent of the Grant. The Words (of & in all Breadth aforesaid) Shew that the Breadth was not intended an imaginary Line of Breadth laid upon the Broadest part *but the Breadth respecting the continuance of the Boundaries by the Rivers as far as the Rivers go* but when the known Boundary of Breadth determines it must be Carryed on by Imaginary Lines to the South Sea.

And if the Province of Mayn lies more Notherly than three English Miles from the River Merrimack the Patent of 4° Car. 1mi gives no Right to Govern there & thereupon the Patent of the same 15° Car. 1mi to the Petitioner Gorges will be Valid.

So that upon the whole Matter we are humbly of Opinion as to the Power of Governmt that the Respondents the Massachusets and their Successors by their Patent 4to Martii 4° Car. 1mo have such Right of Governmt as is granted them by the Same Patent within the Boundaries of their Lands expressed therein according to such Discription & Exposition, as we have thereof made as aforesaid, And the Pititioner Sir Ferdinando Gorges his Heirs & Assigns By the Patent 3° April 15° Car. 1mo have Such Right of Governmt as is Granted them by the said Patent within the Lands called the Province of Main according to the Boundaries of the Same Expressed in the same Patent.

Richard Rainsford. Fran. North

All which being the Opinion of the Lords Cheif Justices and fully agreeing with what we have to Report unto Your Majesty upon the whole Matter referred unto us by the said Order, We humbly Submitt the Determination thereof unto Your Majesty.

Anglesey	Bath	H. London	J Williamson
Ormond	Craven	G. Carteret	Tho. Chickley
			Edw^{d} Seymour

Which having been Read at the Board the 18th Instant, It was then Ordered That the said M^{r} Mason & M^{r} Gorges as also the Agents for the Corporation of the Massachusets Bay should be this day heard upon the said Report, if they had any objections to make thereunto. In Pursuance whereof all Parties attending, with their Council who not Alledging any thing so Material as to prevail with his Majesty & the Board to differ in Judgm^{t} from the said Report, His Majesty was thereupon Pleased to Approve of and Confirm the Same, & did Order that all Parties do Acquiesce therein & Contribute what lyes in them to the Punctual & due Performance of the said Report as there shall be Occasion John Nicholas
Copy Examined ℔ J Willard Sec'ry

by which Solemn & final Judgment of his said Majesty in Council the said Province of the Massachusetts Bay humbly insists that the North and South bounds of said then Colony of the Massachusetts more especially as to the Right of Government so far as the said Rivers extend shall follow the course of the said Rivers, but when those known boundaries determine the breadth shall be carried on by Imaginary lines and the last in part recited Charter or Letters patents of their Said Majestys King William and Queen Mary giving and granting all the Lands Territories and premisses unto their good Subjects the Inhabitants of the Province of the Massachusetts Bay in New England formerly contained within the Limitts and bounds of the said Colony of the Massachusetts Bay Plimouth and the Province of Mayn and the Adjacent Territories as aforesaid, and by the s^{d} Solemn and ffinal Judgment the Northern & Southern Boundaries of said Colony of the Massachusetts so far as the said Rivers Extends shall follow the course thereof. Being so ffixed and Ascertained, the said Province of the Massachusetts also insists, that the bounds of the said Province in Law & justice ought & Do Extend three Miles Northward of Merrimack River, or any part thereof, and the said Three Miles must run as the said River or any part thereof doth run and when those known boundaries determine the Breadth shall be carried on by an imaginary line to the South Sea, and in the adjusting Setling & determining the boundarys of the said Provinces of the Massachusetts Bay and New Hampshire all the parties by Law ought to be held to the same and concluded by the said Grants Letters Patents and solemn and ffinal Judgment aforesaid and the rather for that, his Majesty King Charles the Second by his Letters Patents

bearing date the 18th day of September in the 31st Year of his Reign among other things Commissionating a President and Council to take care of that Tract of Land called the Province of New Hampshire and to order and Govern the Plantors and Inhabitants thereof in the Preamble of said Commission are these words, "vizt Whereas "Our Colony of the Massachusetts at Mattachusetts Bay in New "England in America have taken upon themselves to Exercise a Gov- "ernment & Jurisdiction over the Inhabitants and Planters in the "Towns of Portsmouth Hampton Dover, Exeter, and all other the "Towns & Lands in the Province of New Hampshire lying and ex- "tending from the Three Miles Northward of Merrimack river or "any part thereof unto the Province of Main not having any Legall "right or Authority so to do, and by one other Paragraph in the said "Preamble there are these further words Vizt And Whereas the Gov- "ernment of the said Province of New Hampshire so limitted and "bounded as aforesd hath not yet been Granted unto any person or "persons whatsoever, but the same still remains and is under Our "Imediate care & protection And Whereas in said Letters Patents "there are these further words vizt And Whereas the Inhabitants of "the Province of New Hampshire have many of them been long in "Possession of several Quantitys of Lands and are said to have made "considerable Improvements thereon having no other Title for the "same, than what hath been derived from the Government of the "Massachusetts Bay In Virtue of their Imaginary line which title as "it hath by the Opinion of Our Judges in England been altogether "sett aside, So the Agents of the said Colony have consequently "disown'd any right in the Soil or Government thereof from the three "Miles line aforesaid and it appearing unto us that the Ancestors of "Robert Mason Esqr obtained a Grant from Our Great Council of "Plimouth for the Tract of Land aforesaid, and were at very great "charge and expence upon the same until Molested & finally driven "out, which has occasioned a lasting complaint for Justice by the "said Robert Mason ever since Our said Restoration" as by the said Commission made Letters Patents reference thereto had will likewise appear, all which Paragraphs Evidently declare & fully prove the said solemn and final Judgment pronounced as aforesaid then was and forever should be held in respect to the Southern Boundary's of New Hampshire Province and the Northern Boundary's of the Massachuchusetts Province Valid & Irrefragable and the said Province of the Massachusetts have ever since held & Enjoyed the same accordingly, So that the demands of the said Province of New Hampshire and their Insisting by the State of their demands as aforesaid, that the Southern Boundaries of said Province should begin at the End of

three Miles North from the Middle of the Channell of Merrimack River, where it runs into the Ocean & from thence should run on a strait line West up into the Main Land, are not Warranted by any Grant or Commission from the Crown Deed or Conveyance from any private person or by the possession of One hour but altogether Notional and without ffoundation and are directly against the Letters Patents Solemn and final Judgment and Commission aforesaid and the true intent and meaning thereof as also a possession of One hundred Years and Upwards in the Province of the Massachusetts since the granting of the New Charter and under the Old in the Colony of the Massachusetts ; And the said Province of the Massachusetts, begs leave further to observe to Your Honours that there are in the State of their demands Exhibited to your Honours two noted Monuments by them relied upon and w^ch^ were known for above seventy Years ago, the first therein mentioned by the name of the Black Rocks at the Mouth of said Merrimack River, from whence measuring three English Miles North there truly forms the Northern boundary of said Province and the same accordingly for that space of time have been so reputed acknowledged and accordingly held and possessed by the said Colony of the Massachusetts under the Old Charter and afterwards under the New Charter to this day which ffacts the said Province doubts not will fully turn out in proof from the Depositions of Some of those Ancient Witnesses whose names are contained in said List herewith delivered to Your Honours, the other noted Monument is Endicotts tree with a great heap of Stones round it standing Three English Miles Northward of the Crotch or parting of the said River, which Tree for the length of time aforesaid has been held Deemed reputed and acknowledged to be the extent of the known Northern bound of said Colony and now the Province of the Massachusetts Bay from the said Crotch or parting of the said river and has been, and is to this day so held & possessed as by Ancient Platts of great Credit & Depositions of others the Ancient Wittnesses in the same List named will clearly appear, and it will at this day appear to be a noted boundary as aforesaid to such Artist or Artists as by Your Honors shall be duly Impowered to take such Plan or Plans as shall be hereafter taken in Virtue of his Majesties Royal Commission to Your Honours directed and therefore there is not the least Shadow of reason to maintain that the South bounds of the Province of New Hampshire should begin at the end of three Miles North from the middle of the now Channell of Merrimack River, where it now runs into the Ocean according to their Modern claim, but the said Southerly boundary line must and ought and always was held and acknowledged to begin at the End of three Miles North from the black Rocks

aforesaid at the Mouth of the said River, as it emptied it Self into the Sea Sixty Years ago, and to run from thence Parallel with the said River as far Northward as the Crotch or parting of the River aforesaid, thence due North as far as the Said noted tree and heap of Stones round it which is the last known boundary & consequently where the Imaginary line must and ought to begin and so be carried due West towards the South Sea, and which the Province of the Massachusetts have held & possessed & doubts not by force of their Right & Title as aforesaid still to hold and possess the same accordingly., And as to the Claims and demands of the Province of New Hampshire on their Northern part, the Province of the Massachusetts Bay for Answer say. That as this Province Claim & Demand a due North West line from the furthest head of the River of Newichwannock till One hundred and twenty Miles from the Mouth of Piscataqua Harbour be finished they give the following reasons, for that his Majesty King Charles the first the 3^{d} of April in the 15th Year of his Reign by his letters patents did give and Grant to Sir Ferdinando Gorges his heirs and Assignes "All That part purpart and portion "of the Main Land of New England aforesaid beginning at the en- "trance of Piscataway Harbour and so to pass up the same into the "River of Newichwannock and thro the same unto the furthest "head thereof, and from thence North Westward till One hundred "and twenty Miles be finished, and from Piscataway Harbour Mouth "aforesaid North Eastward along the Sea Coast to Sagadahocke and "up the river thereof to Kynybeguy River and through the same "unto the head thereof and into the Land Northwestward until One "hundred and twenty Miles be ended, being Accompted from the "Mouth of Sagadahock, and from the period of One hundred and "twenty Miles aforesaid to cross over Land to the One hundred & "twenty Miles end formerly reckoned up into the land from Piscata- "way Harbour through Newichwannock River;" —

And further say that afterwards Anno Dom^{i} 1677 the Governour and Company of the Massachusetts Bay purchased of the late John Usher Esq^{r} the Assignee of the Said S^{r} Ferdinando's Heirs Viz^{t} Ferdinando Gorges Esq^{r} Son and heir of John Gorges Esq^{r} and Grandson of the said Sir Ferdinando the same Tract of Land in the Grant of the 15th Charles the first in part before recited & Expressed; All which was granted and Confirmed by the Charter of King William and Queen Mary for Incorporating the said Province of the Massachusetts Bay unto their Subjects the Inhabitants thereof, Now by the said several Grants and Conveyances (in Court to be produced itt plainly appears to be the true intent and meaning thereof that the premisses were understood to be bounded on a square or at Right

Angles to be Governed or determined by the general course of the Sea Coast, which by undeniable Evidence can be sufficiently proved to be North East from the Mouth of Piscataqua Harbour aforesaid unto the River of Sagadahock and therefore such a construction of s^d^ Grant as is made by the Province of New Hampshire in the State of their Claim describing the course of their Northern boundary lying before Your Honours from the Head of Newichwannock River to run Northwestward (That is to say) North less than a quarter of a point Westerly as far as the British Dominions Extends is so Strained and forc't a Construction as the words in their usual Genuine acceptation will no ways admit of, and altogether Inconsistent and Incompatible with the aforesaid Grants And how it is that the Province of New Hampshire should now pretend to continue their Line as far as the British Dominions Extends, we can by no means conceive or Imagine, it being altogether new and unheard of, and for which they can have no colour and pretence by or under any Patent or Conveyance whatsoever touching the same as yet Exhibited. —

And Finally The said Province of the Massachusetts Bay say they thus have Explicitly Sett before Your Honours the true and just State of their Bounds as aforesaid, and the Several Letters Patents Records & Evidences which with the Witnesses when Sworne will be sufficient to Maintain the same, and on which the said Province relys, they therefore conceive it Equall and Just, that the Province of New Hampshire should in like manner Sett forth the Evidences of their Exorbitant and excessive demands as in their State no ways correspondent with the term therein given by themselves of being a small Province and more Especially for that his Majesties said Commission directs that Province in a particular manner to Describe where and in what places the boundaries on the Southern & Northern part of New Hampshire ought to begin, And what courses, and how far the Same ought to run, Which not only puts that Province under an Obligation of so doing, but also of proving and the said Province of the Massachusetts hopes Your Honours will require the same./

Edm^d^ Quincy
W^m^ Dudley
Samuel Welles
Ben^a^ Lynde Jun^r^
Elisha Cooke
Job Almy
Thomas Cushing Jun^r^
Henry Rolfe
Nathaniel Peaslee

Agents for the Province of the Massachusetts Bay.

After the 2 Ans^{rs} were read a Motion was made by the Mass: Com'ee for Summons's for Witnesses & a reasonable time for Summoning them — Upon which the Court ordered Summons's to Issue & gave time till 22 Aug^{t} for the return thereof

The Mass: Com'ee then produced a Vote of the Gen^{ll} Court of their Province passed by the Assembly 10. Aug^{t} & in Council 11 Aug^{t} 1737. Whereby the s^{d} Com'ee were ord^{d} to assure the Comm^{rs} that they sho^{d} on the part of that Province receive a just & generous cons: suitable to the dignity of their Comm'on & importance of the affair

[This vote is here given in full from Masonian Papers, Vol. 4, p. 129, and Prov. Boundaries, p. 114.]

At a Great and General Court or Assembly for His Majesty's Province of the Massachusetts Bay held at Salisbury by Adjournment, August 10th, 1737.

In the House of Representatives;

Whereas it hath pleased His Majesty to appoint, under the Great Seal, Commissioners for marking out and Settling the Boundary Lines between this His Majesty's Province, and the Province of New Hampshire; in pursuance whereof Several of the Said Commissioners have already met; And in as much as an Affair of so great Importance will in the Nature thereof require much Time & Pains, and those Hon^{ble} Gentlemen will be necessarily detained from their respective private Concerns very much to their Detriment;

Wherefore Voted, that it be an Instruction to the Agents of this Province appointed to appear before the Said Commissioners on that Affair to assure the Hon^{ble} Commissioners now attending or that Shall attend the aforesaid Service, that they Shall have and receive on the Part of this Province a just and generous Consideration Suitable to the Dignity of their Commission and the Importance of the Affair

In Council, Read and Concurr'd.

11th Consented to, J. Belcher

Copy Exam^{d} ℔ Simon Frost Dep^{t} Sec^{ry}

67. The Mass: Com'ee then Moved to have M^{r} Auchmuty allowed as Council for the s^{d} Province Upon which the Court was of opi'on M^{r} Auchmuty sho^{d} not be allowed to be of Council in this case but Ordered that if either ℔ty desired to be heard by Council

the same sho[d] be delivered in in writing, which the Court apprehended to be what was intended by their Comm'on — & then Adjourned till the next day

12 Aug[t] 1737 — 68. — The Mass : Com'ee Presented a Mem[ll] to the Comm[rs] Setting forth —

[In place of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4, p. 130.]

Province of the Massachusetts Bay } To the Honourable the Commissioners appointed by His Majesty to settle the Boundary Lines between the Provinces of New Hampshire, and the Massachusetts Bay in New England./

The Memorial of the said Province of the Massachusetts Bay. Sheweth.

That notwithstanding the most Injurious and unjust Insinuations to the contrary, The said Province is earnestly desirous of having the boundary Lines between that Province & New Hampshire marked out and Setled according to Law & Justice, and that with all possible Expedition ; That by their Answer to the demands of New Hampshire they have pointed out the necessity of having One or More Skilful persons to prepare Draughts or Plans of the Country and accordingly Your Honours as the Province is Informed have been pleased to appoint One Gentleman, And the said Province conceive it Equal in a case of this Importance there was another Joyned to him, And therefore pray Your Honours so to do, and to Redeem time that they may Speedily proceed on the Affair for which they were appointed. —

That it's true, there was formerly a Plan taken of the River Merrimack by William Dudley Esq[r] But the said Province conceive it to be of more Efficacy to have the Draught or Plan taken in Exact conformity with the Express words of His Majesties Royal Commission to You directed, And accordingly prays the same. And the said Province also prays Your Honours to reconsider the Motion they made of being heard in all Debates by their Council Learned in the Law, And for that End named Robert Auchmuty Esq[r] a Gentleman regularly called to the Barr practiced as a Councill[r] at Law in the Kings Courts at Westminster Hall for many Years, and as such Entituled for his Clyent to speak in all his Majesties Courts, this the said Province as of Right Claims, and say there never was a Commission from his Sacred Majesty or his Royal Ancestors constituting a Court of Judicature that debarrd the Subject of that Right, and that there is

nothing in his Majesties Royal Commission to You Directed that looks that way, as they apprehend. —

In the Name and by Order of the Agents of the said Province./

Edm^d^ Quincy —

70. The Cons : of which Memoriall was continued to the next Adjournm^t^ — 2 of the Comm^rs^ being absent

Ordered that each Com'ee have lib'ty to take Copys of the Ans^r^ of each other, & on the Motion of New Hampshire Com'ee It was Ord^d^ that they sho^d^ have leave to put in any Ans^r^ to the s^d^ Reply of the Massachusetts & the New Hampshire Com'ee were allowed to take out Summons's for their Witnesses in the same manner as the Mass :

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 131.]

Prov : of } Hampton Aug^t^ 12^th^ 1737 At a Court of Commis-
N. Hamp^r^ } sioners Appointed by His Majesty's Commission under the Great Seal of Great Britain to Settle the Boundary Lines between His Majesty's Provinces of New Hampshire & the Mass^a^ Bay in New England —

Whereas His Majesty's Commission Impowering this Court to Settle the Said Boundarys Recommends all Convenient Dispatch in that Affair, and a true plan or Draught of the Course of Merrimack River & Lands Adjacent as also of the River Newichwannock being of great use to give a Right understanding of the Controversy between the two Provinces —

This Court Therefore Recommend unto the Respective Gen^l^ Courts of the Said Provinces Now Sitting, to Agree on Some Plan which they Shall think proper to be laid before y^e^ Court for the end aforesaid & to prevent the Expence & Delay of taking any New Plan — that so the Same may be presented to this Court on Monday the 22^d^ Inst^t^ to w^ch^ time the s^d^ Court is adjourn'd. —

And the Clerks are Directed forthwith to Send Copies hereof to the Respective Gen^l^ Courts Afores^d^

[*N. H. Vote about Plans*, 1737.]

[Mss. Prov. Boundaries, p. 122.]

Province of
New Hamps^r^ } In the House of Representatives
Aug^t^ 13^th^ 1737 } Upon the Recommendation of the Hon^ble^ his Maj^ties^ Commiss^rs^ for Settling the Boundary Lines of this his Maj^ties^

Province of Newhampshire, & the Province of the Massachusets Bay, for the Assemblys of the Said Provinces to Agree upon a Draught or Draughts of the Rivers Merrymack & Newitchwannock to be laid before the Said Commiss^{rs} being of Great use to give them a Right understanding of the Controversie between the two Provinces, to be presented on Munday the 22^{d} Curr^{t} Therefore that the Same be not delay'd

Voted/ That the Committee already appointed to lay all papers & Evidences &c^{a} on the Part of Newhampshire before Said Commiss^{rs} be hereby fully Impowred to agree with Such Committee or Agents, as the Great & Gen^{ll} Court of the Province of the Mass^{a} Shall appoint, upon any Draught or Draughts of the Rivers Merrymack & Newitchwonnock to be laid before the Said Commiss^{rs} on the 22^{d} Curr^{t} And our Committee is hereby directed that they meet at the House of John Brown, Inholder at Hampton Falls this 13th Ins^{t} at three of the Clock in the afternoone, and that a Coppy of this vote be Sent to the Gen^{ll} Assembly of the Mass^{a} to Inform them that our S^{d} Committee will attend at the time and place affore Said, or any other time and times, that our Said Committee & that of the Mass^{a} Shall Agree upon, & y^{t} if the Said Committees do not agree that our S^{d} Committee are hereby Impowered to put in before the Comiss^{rs} any Draught or Draughts they Shall think Propper —

James Jeffry Cle^{r} ass^{m}

In Coun^{l} Augst 13 1737
Read and Concurred — Rich^{d} Waldron Sec^{ry}
Same day Assented to — J Belcher

[*Meeting of Committees on Plan*, 1737.]

[Mss. Prov. Boundaries, p. 121.]

Hon^{ble} S^{r}

The Comittee of Conference concerning a Plan of Merrymack River & Newichawanick propose to meet your Comittee next tuesday by ten of the clock forenoon at this place when our Generall Court will not be Setting we are the rather inclined hereto that So the Comittees may compare the looks of the River with a plan thereof which by that time may be ready I am on behalf & by order S^{r} your Most Obedient Sèr^{t}

Salisbury 13th August 1737. — W^{m} Dudley
Shadrach Walton Esq^{r}

[*Report of N. H. Committee on Plans*, 1737.]

[Mss. Prov. Boundaries, p. 233, and Masonian Papers, Vol. 4, p. 132.]

Province of New hampshr } Whereas the Vote of the Genll Court
Hampton, Augt 17–1737 } of the 13th Inst Impowering the Committee appointed for Laying all Pappers &ca before the Honble the Commissrs for Settling the Boundary lines, To agree with Such Committee or Agents as Should be Appointed by the Genll Court of the Massa upon any Draught or Draughts of the River Merrymack and Newitchwannock, In pursuance of the Said Vote, We attended at the time and place therein Mentioned but heard nothing from the Massa Committee untill the day following at Portsmouth by a letter which is herewith offered, Proposing a Meeting at Salsbury on Tuesday the 16th Instant at ten of the Clock before Noone when and where we the Subscribers did Repaire, but not being Impowered by Said Vote to Transact any affaire therein Mentioned out of the Province did not presume to make any agreement on any Draught, but haveing Viewed a Draught Exhibited by Said Committee containing a Plat of the River Merrymack, & the River from thence to Winipisiokee Pond, which being proposed by both Committees to be laid before the Respective Generall Courts for their Approbation, and we haveing Viewed the Same and find it differ in nothing Materiall from the Plan or Draught made use of in this affaire in England and now on the files of this Honble Court, and althô the Said Draught may not be Exactly Right in Every ℔ticular, Yet that the Affaire in Controversy may not be Littigated or hindered we humbly propose to this Honble Court that they (when the Said Draught Shall be laid before them) do approve and allow of the Same to containe a Plat of the River Merrymack from the Mouth thereof where the Water Runs into the Atlantick Ocean to the head of the Said River vizt at the falls about a Mile above Haverill Meeting House and from thence a Plat of the River Winnipisiokee till it comes to the Head thereof, vizt the Great Pond Winnipisoky togeather with the Severall falls & Mouths of the Rivers Emptying themselv's into the Same, We alsoe humbly offer a Draught of the River Newitchwannock to the fartherst head thereof which we apprehend contains a True Platt of Said River as it was formerly taken and Lately Surveyed by Mr Cyrprian Jeffry, all which is humbly offered & Submitted to the Consideration of this Honble Court By

Augt 20th 1737 In the House of Representatives The above Return was Read and *Voted* that it be accepted & approved

Committee: Shad Walton, Theodore Atkinson, Andr Wiggin, Thos Packer, James Jeffry

James Jeffry Cler Assm

[*Vote of Mass. about Plans, 1737.*]

[Mss. Prov. Boundaries, p. 126.]

Prov^e of the Mass^a Bay In Councill Aug^t 18^th 1737

This Court having upon the Recomendation of the Court of Comiss^rs agreed upon a Plan or Draught of the River Merrymack to be laid before them

VOTED/ that a Coppy of the Said Plan and the Committees Report, and the Order of this Court thereon be Exhibited to the Gen^ll Court of the Provin^s of Newhampshire in orde to their Agreeing with this Court in presenting the Said Plan, to the Commiss^rs affores^d

Sent down for Concurrence Simon Frost Dep^t Sec^r:

In the House of Rep^r August 18^th 1737 Read & Concur'd

J Quinsy Spe^k 19 Consented J Belcher

Copy Exam^d ℔ Symon Frost Dep^t Secretary

Copy Exam^d J. Jeffry Cle^r Ass^m

Province of the Mass^a Bay, The Committee appointed to Confer with the Committee of N. H: in ord^r for the Respective Gen^ll Courts agreeing on and presenting to the Court of Comiss^rs a Plan or Draught of Merrymack and Newitchw^a Rivers, Do Report that they have attended y^t Service in Salsbury the Last tuesday, & Laid before the Said Committee of N. H. a Draught or Map of the River now and always Known and Called by the Name of Monomack alis Merrymack, who agreed to its being a true Plan of the Said River, and that it Should be presented to the Respective Gen^ll Courts, The S^d Committee of N H: offered to us a Plan of Part of New^k River & acquainted us that a Surveyor was then perfecting the Survey or that River in order to Compleat the Said Plan, and to which we objected Not, This Committee do therefore herewith humbly present the affore Draug^t or Map, of Mono ⁻ alias Merry^k from the Crotch or Parting thereof into two Equal Streams down to the Mouth thereof, or where it now Emptys it Selfe into the Sea being a full Mile More Southward than where it formerly did neare the Black Rocks that So y^e same may be Approved of By both Courts, & presented to the Hon^ble Commiss^rs for Marking out & Setling the Boundarys between the two Provinces according to their Recomendation

By order of the Committee W^m Dudley

Salsbury 18 Aug^t 1737

In Councill August 18^th 1737 Read and Ordered that this Report be accepted & y^t the Plan hereunto Annexed be accordingly presented to the Hon^ble Comiss^rs as a true Draught of the River Merrymack agreeable to their Recomend^a

Sent down for Concurrence Simon Frost Dep^t Secre^y

In the House of Representatives Aug^t 18^th 1737 — Read & Concur'd J Quinsy Spea^k 19 Consented to J Belcher

Coppy Exam^d ℔ Simon Frost D Sec^r

[*N. H. Vote about Plans*, 1737.]

[Mss. Prov. Boundaries, p. 124.]

Province of New Hampshire Augst 20th 1737 } In the House of Representatives, Pursuant to the recomendation of the Hon^{ble} Court of Commissioners for to agree upon a plan or Draught of the River Merrymack to be laid before them, And having now before this House A Plan or Draught presented by the Generall Court of the Massachusetts: for this Court to Agree with them upon to be presented to the Hon^{ble} Court of Commissioners And upon Examination of the affore said Draught we find the Compass on said Draught Not to be true, But in asmuch as it will not be of Any Great Importance the Mistake in the Compass by Reason his Maj^{ties} Commiss^{rs} Requires a Plan or Draught Not for Marking out or Setling the Boundarys between the two Provinces by But to give A Right understanding of the Controversey between the two Provinces only, Therefore Voted/ that the Annexed Plan be presented the Hon^{ble} Commiss^{rs} to give them an Idea of the Course of the water from Winnipisioke Pond to where it Emptys it selfe into the Atlantick Ocean But we Know of no Such Name as Merrymack River any further than from the rivers Mouth as far as the Salt water flows or to the first falls about a mile above Haverill Meeting House And from thence a Plat of the River Winipisioke till it Comes to the head thereof Viz^{t} the Great Pond Winipisioky And as to the Channel at the rivers mouth where it Emptys it selfe into the Atlantick we know of No Alteration that it is to the Southward of where it us'd to be formerly — Nor do we know of any Such Thing as the Black Rocks or Indicots tree Ever to be Any bound Mark between the Provinces — And it is also voted/ That the Plan of Newichawonock River taken by M^{r} Cyprian Jeffry be Allowed by this House to be a true Draught of said River to the Ponds, And direct the Same to be Laid before the Hon^{ble} Court of Commiss^{rs} for the Ends above said —

Voted it be sent up for Concurrence —

James Jeffry Clerk Ass^{m}

22 Aug^{t} 1737 — The Court Directed the Evidence of each ℔ty sho^{d} be taken in open Court by way of question & Answer & that each ℔ty sho^{d} be ready with their Witnesses the next morning till which time they Adjourned

23 Aug^{t} 1737 — The Comm^{rs} met according to Adjournm^{t} & the Com'ees of both Provinces appeared & the Massachusets produced 6 sev^{ll} Witnesses who were Sworn & Exaied — & their Dep'cons are to the ffoll effect

Witnesses Examined before the Comm^{rs} on behalf of the Massachusetts Bay

[Instead of the abstracts here entered, these documents are given in full from the originals in Masonian Papers, Vol. 4. pp. 134–138.]

Joseph Butterfield Aged about fifty Seven years deposeth and Saith that about forty years ago & for about Seven Years altogether from that time he hunted with y^e^ Indians & that the Indians at that time Called the River that Empties it self into the Sea betwixt Newbury & Salsbury, Merrimack River, & so they Called it Pennycook and above till it Came up to the Crotch of the Rivers or that River which Comes out of Winnepisseogg pond & the Other Branch they Called Pemichwassit, & I never heard them Call it by Any other Name during that time of my hunting & trading with them or by any other name during my whole Life

Aug^t^ 23^d^ 1737. The Depon^t^ being asked whether he did not know a Tribe of Indians called by y^e^ name of y^e^ Pennicook Indians. Answered he did not, nor y^t^ he ever head of any Such. — the Dep^t^ being asked who wrote this Depo'con for him, Answered M^r^ Hazzen of Haverhill, but that he dictated it to him.

Signum
Joseph X Butterfield

[Masonian Papers, Vol. 4, p. 135.]

The Declaration of John Cumings of Westford in the County of Middlesex & Province of the Massachusetts Bay in New England Yeoman, aged fifty six years or thereabouts, Testifieth & saith That sometime in the Year 1702 or 1703 There was a ffort Built at the upper End of Dunstable, kept as a Trading House by the English. In either of which Years he went as a Soldier to said ffort, which brought him well acquainted with most or all of the Indians of Pennycook ; And that he was oftentimes up the River then called by them Merrimack River, And one time particularly he went up said River Twenty Miles or thereabouts, when & where the said Indians called it by no other name than Merrimack River, And the Winter after he proceeded against the Indians with Captain William Tyng, and an Indian named Jo English, then a noted Pilot, called it by the name of Merrimack River, to the place & so far as the River of Winniposeckett so far as the Crotch And that he the said Jn^o^ Cumings never knew it go by any other name than Merrimack River.

the Depon^t^ being ask'd whether he did know a tribe of Indians Called by y^e^ Name of the Pennicoke Tribe Answered he never knew them calld a tribe of Indians but Pennicoke Indians — and whether there was any other Indians Inhabited on that River but Pennicoke

Indians Answ^{d} he never knew any other — whether he knew what Tribe those Pemicoke Indians belong'd to Answ^{d} he did not — And who wrote his Evidence Answer'd he did not know y^{e} Man And whether he ever knew the great River above Said called by the Name of Pennicoke Answ^{d} he never heard it called by any other name than Merrimack. —

August 23^{d} 1737. John Comings

[Masonian Papers, Vol. 4, p. 136.]

Benjamin Parker of Chelmsford in the County of Middlesex & Province of y^{e} Mass^{a} Bay being more Than Seventy Three Years of Age, Testifyeth and Saith that he has Dwelt from his Infancy near to Merimack River in the Town of Chelmsford And at the age of about Seven years went to live with M^{r} Henchman upon the Banks of Merimack River Above the falls Called Pautucket Falls And continued to Dwell there many years when and where was managed a Great Trade with the Indians Dwelling On Said River from s^{d} falls up the River to Penicook And Above and y^{e} Depon^{t} was well acquainted with many of these Indians perticulerly with George Tehant^{o} and One Alancet Indian Sachems and Chief of y^{e} Indians Then Dwelling on Said River for upwards of Sixty Miles Above Pautucket Falls (and Well understood their Language) and This Deponant went (Some Time before the first warr with those Indians viz^{t}) in or about the Year of Our Lord 1673. with, and to wait on Said M^{r} Henchman up the Said River to y^{e} place Called Penicook (now Rumford) where many Indians then Inhabited, (As well as in many other places on s^{d} River) And All That Space viz^{t} from Pautucket falls to penicook and Above as far as y^{e} River Coming out of Winepisseokie at y^{e} place Called y^{e} Crotch the Said Indian Sachems & all others this Depon^{t} was acquainted with Called the Same Merimack River being the Same which Runs between Nubury & Salsbury into y^{e} Sea and This Deponant further Saith That he never heard or knew the Said River from the Mouth thereof to y^{e} Croch or meeting of Winnepisseokie River with y^{e} Western Branch Called Pemichewasset was Called or known by Any other name than Merimack, by Indians or english & being ask'd who wrote this Deposition Answ^{d} Col^{o} Prescot of Grotton in y^{e} Said County of Middlesex — and whether there was not other Indians lived on Merrimack River besides y^{e} Pennicoke Indians Answ^{d} they were all calld Pennicoke Indians. —

August 23^{d} 1737 Benjamin parker

[Masonian Papers, Vol. 4, p. 137.]

The Declaration of John Longley of Groton in the County of Middlesex in the Province of the Massachusetts Bay in New England Yeoman, Aged 55 Years or thereabouts, Who Testifies & saith, that about ffourty three Years past, he was taken with others, a Captive by the Indians from Groton afores^{d}, and was carried by them thro the Woods till they came to a small river called Blackbrook above Ameskeeg ffalls where the said Indians had their Canoes ready to Embark. And after they had Embarkt they came to a great River, And some of the English that was Captives asking the Indians what the name of that great River was, they answered Merrimack River, And that they went up said River as far as the River called Winniposockett at a place called the Crotch. And that in the Year 1703, he went up said River with Cap^{t} William Tyng with a noted Indian Pilot with them, named Jo : English, as far as said River Winniposockett to said Crotch, and the said Indian Pilot called it by no other name than Merrimack River as afores^{d} And that he the Depon^{t} never knew it Called by any other name during his knowledge. And further the Depon^{t} being askd who wrote his Deposition Answ^{d} he did not know y^{e} mans Name. —

Aug^{t} 23^{d} 1737. John Longley

[Masonian Papers, Vol. 4, p. 138.]

The Deposition of Henry Farewell late of Chelmsford Now of Dunstable in the County of Middlesex in y^{e} Prov. of y^{e} Mass^{a} Bay Aged about Sixty three Years this Depon^{t} Testifies that he Lived near Merrimack River from his Infancy & that when he was about twelve Years of Age he heard the old Indians Some near 80 Years of Age Say that the River from the Mouth up to the Crotch was called Merrimack River And he often heard the English Say that twas called Merrimack River & that he never heard it calld by any other Name than Merrimack River by Indians or English

Aug^{t} 23^{d} 1737. Henry Farwell

[Masonian Papers, Vol. 4, p. 138.]

Isaac Bradly of Haverhill in the County of Essex in the Prov. of y^{e} Mass^{a} of fifty Seven Years of Age Testifyes & Saith That About forty Years Ago This Deponant was Taken by the Indians part of whome were of the Merimack Indians and Others of them belonged

to Saco and they Informed me One party was going to Merimack River After which I went with the Indians Hunting to Merimack River (as the Indians Called it), Above Penicook And after my Return out of Captivity About y^e^ Year 1702 and for Many Years after I was Improved as a pilot to parties of men Imployed in y^e^ warr with the Indians up the River Runing into the Sea between Nubury and Salsbury to the Croch or coming in of the River Issuing out of Winnepisseokie pond being Accompanied with One Joseph English an Indian pilot and an Inhabitant of Penicook (now Rumford) with Other of y^e^ Penicook Indians and they Called the Same River Merimack from the Mouth thereof to y^e^ Crock or meeting of y^e^ Rivers y^e^ eastern Branch Called Winnepisseokie & the other Pemichewasset further the Deponant Deposeth That he was well Acquainted with Waternuman an Indian Sachem & Cap^t^ of y^e^ Merimack Indians And with Many other Indians All of whome Called the Said River as far up as to y^e^ Crock or meeting of y^e^ Two Branches forementioned Marimack and I never knew y^e^ Said River Called by Any other name by Indians or english in all my Life

Quest'on whether you did not understand that the Indians you call Merrimack Indians went by the Name of y^e^ Pennicocke tribe Answ I did not

Q. whether you did not understand that where there was a Sagamore there was always a tribe of Indians Answ — I did not — Q. where was Walternummun Sagamore of Answ. of Pennicoke Q did you ever know the River that goes by Pennicoke called by the Name of Pennicoke or any other Name than Merrim. from the Mouth Clear up to the Crotch Answ. I never did — Q. who writ & Dictated your Evidence Answ. a Haverhill man wrote it & I dictated it my Self

Hampton. August 23^d^ 1737. — Isaac brady

Note — The Ans^rs^ given by the above 5 Witnesses to the gen^il^ Inter'ry was delivered in by them in writing & not Declared vivâ voce

80. eodem die — The Comm^rs^ met again according to Adjournm^t^, & the New Hampshire Com'ee made a Motion in writing

[In place of the abstract here entered, these documents are given in full from the originals in Masonian Papers, Vol. 4, p. 139.]

Province of New Hampsh^r^ } To the Hon^ble^ the Commissioners Ap-
Hampton Aug^st^ 23^d^ 1737 } pointed By his Majesty for Settling the Boundary Lines between His Majesties Province of New Hampshire

& Province of the Massachusetts Bay in New England Humbly Sheweth

The Committe appointed by the Governm^{t} of New Hampshire that they Concieve Evidences Liveing in the Province of the Massachusets Bay ought not to be received by this Hon^{ble} Court they being all Parties to the Same, & Tennants in Common with Respect to the Property Saveing which, if over Ruled we Pray that the Evidences — A List of whose Names are herewith Presented may be sworn to Answer the following Interogatorys — viz^{t} —

1 Weither they are Acquainted with the mouth of Merrimack river where it Empties it Selfe into the Atlantick Ocean and how Long they have Known the Same

2 Weither there is Any Alteration in the said rivers Mouth on Either side said river —

3^{d} Weither they have Lately seen & taken Notice of the said rivers mouth —

4^{ly} Weither they Know the black rocks & what Distance they are within the Chops of the said river

5^{ly} Weither they have observed any Difference or alteration in the Channell Neare the said rocks or the shores thereabouts & what y^{e} Alteration is —

6 Weither the Channell Ever run out of s^{d} river to the Northward of said Rocks that they know of

Cap^{t} Paul Wentworth Esq
Ephraham Maston
Jacob Brown
Jonathan Philbrick
Joseph Philbrick
Sha^{d} Walton
Geo. Jaffrey
Jotham Odiorne
Theodore Atkinson
And^{r} Wiggin
J Rindge
Tho^{s} Packer
} Com^{tee}

Witnesses Desierd by the Com — of N H

Jacob Brown
Morris Hobbs
Ephra Marston
} all of Hampton yeomen

J J

[Masonian Papers, Vol. 4, p. 131.]

1 : I have known y^{e} Same 60 Year
2 Quest Answ^{r} that he knows of none

3 y^t^ he was there Last Week
4 that he always accounted it a Mile Some Say tis More
5 that he knows of no Alteration of the Channel of Said River
6 that he never knew or heard of Such a thing till within this Week. See y^e^ addition in the rough Sheet. —

Ephr^a^ X Maston

[Masonian Papers, Vol. 4. p. 140.]

Paul Wentworth of Dover in y^e^ Pro: of N. Hampshire Esq^r^ Aged ab^t^ 59 y^rs^ being Interrogated upon Oath Says.

To y^e^ first Interr. Says he has been acq^d^ with y^e^ River ab^t^ 40 y^r^ past; hav^g^ gone in & out of y^e^ Same a great many times. —
To y^e^ 2^d^ he Says, that he hav^g^ veiw^d^ y^e^ River y^e^ last Saturday could not perceive any material Alteration the Dep^t^ not having Seen y^e^ Rivers mouth before Since y^e^ y^r^ 1703. —
To the 4^th^ That it is half a mile if not more.
To the 5^th^ That he could not perceive any material alteration; —
To the 6^th^ That he never knew that it did; —

The Dep^t^ being asked whether there was not a Channl or water to the Northw^d^ of y^e^ Black Rocks where they used to pass thro' with Canoe's, Answered, No. —

Aug^t^ 23^d^ 1737. Paul Wentworth

Jacob Browne of Hampton in N. Hampshire Yeom. ag^d^ ab^t^ 85 years. Sworne.

To y^e^ 1^st^ Interr. Sayd he had been acq^d^ with the River ab^t^ Sixty years. —
To the 2^d^ Says there is none or very little.
To the 3^d^ That he Saw it the last week
To the 4^th^ That the Black Rocks are a mile or near within the Chops of y^e^ River. —
To the 5^th^ That he could not perceive any difference or alteration.
To the 6^th^ That he never knew that it did

Signum
Jacob X Browne

Jon^a^ Philbrick of Hampton in y^e^ Pro: of N. Hamp: aged 81 years. Sworne.

To the first Int. Says, that he has been acquainted with the Same ab^t^ forty years.
To the 2^nd^ That ye Dep^t^ cannot perceive any Alt^n^
To the 3^d^ That he Saw y^e^ Same y^e^ last week

To the 4th That the Black Rocks he knows & ye Same are better than half a mile from or within ye Chops of the Rivr accordg to his best Judgmt
To the 5th That he could perceive no alteration
To the 6th That he never knew that it did, nor never heard So till within abt a week past. —

The Dept being asked whether he was there at high-watr or low water, Answered he was there at both.

Sign.
Jona X Philbrick

Joseph Philbrick of Rye in N. Hampshire Marr ag abt 74 yrs Sworne Says. —
To ye 1 Int. That he has been acquaintd with the Same near abt 50 years.
To the 2d & 3d That he cannot perceive any alteration, havg viewed ye Same last Saturday, & that he has been often in & out of ye sd River. —
To the 4. That he knows ye Black Rocks & that according to his best Judgmt they are near a mile within the mouth of the River
To the 5. That he could perceive no alteration.
To the 6. That he never knew that it did.

Joseph Philbrick.

The Massachusetts then Produced & Exa'ied the 3 ffoll Witnesses on the above New Hampshire Interries on their part

[In place of the abstract here entered, these documents are given in full from the originals in Masonian Papers, Vol. 4. p. 140.]

On ye part of ye Massa

St Greenleafe of Newb. in ye Co of Essex in the Pro. of ye Massa Bay Gent. Aged 85 yrs Sworne & Examd upon ye N. H. Interrs Answered & Said
To ye 1. Int. That he has known ye Same abt fourscore year even from a Child & has gone in & out of ye Same as Mr of a Vessell from abt 60 years ago till within 12 or 14 years Since or thereabt —
To the 2d That within or at the Rivers mouth he knows of no alteration, but the alteration he knows of is at the Barr abt a mile witht ye Rivrs mouth.
To the 3d That he has Seen ye Same twice within ys mo
To the 4th That he knows ye Black Rocks, & that they make one Side of ye Chops of ye River as they counted formerly, and that there are now Sands which lay near South East from ye sd Rocks

To the 5th That he could perceive no alteration near the sd Rocks, but that ye Sand is hove up witht ym

To the 6th That he never knew that it did. —

The Dept being asked whethr he knew any thing of a Ships being cast away near ye sd Rocks and how long it was Since Answered, that he knew there was a Ship cast away there or Sunk by design as 'twas reportd She being going out & yt ye Same was upwards of Sixty years, ago, and that he was one of ye Number that tryed to weigh her, and that the reason why they could not weigh the Ship was because ye Sea came in upon them at every flood there being no Beach without ye place where ye Ship, lay, as now there is. — the Dept Says the Ship was Sunk on the Edge of ye Channel, her Stern coming near the side thereof, and he do's not know but that it may be abt a Ships length from where the deep water was. —

Stephen Greenlef

William Titcomb of Newb. in ye County of Essex in the pro: of ye Ma Bay Blacksmith. (Sworne), agd 78 years Examd upon ye N. H. Interrs

To ye 1 Int. That he has known ye Same abt 60 year.

2 That there is an alt. at ye mouth of ye River but up at ye Black Rocks he knows of no altn

3 That he has Seen ye Same within this mo

4 That he knows ye Black Rocks & believes ye Same to be better than half a mile within the mouth of ye River and that the sd Black Rocks were accountd to be on ye Nly Side of Merrimack River.

5. That he knows of no altn by the Black Rocks, but down below ye Rocks there is an altn the Bank of Sand being gathered from ye Northwrd or Increased so as to make ye Channl run more over to the Southward towards Plumb Island

6. That he never knew that it did. —

Q. wr the Black Rocks were not the North Side of ye mouth of ye River. —

A. That they were.

Q. wr the Channl below ye Sd Rocks at ye mouth of ye River is not altered considerably to the Southwd to what it was when he first membd it. —

A. That it was altd consdy witht ye Rivers mouth near half a mile to the Southward.

Q. wr there was any Beach or Sand without the lowermost Black Rocks or Badgers Rocks.

A. That there was none, but only Shole water & y^t y^e same was Easterly therefrom.

Q. W^r he ever knew a Chann^ll run out where y^e point called Salisbury point or Beach now is where they mow.

A. No. —

William Titcom

Joseph Eaton of Salisbury in y^e Mass^a Gent Aged ab^t 77 y^rs Sworne & exam^d upon y^e N. H. Int^s

To y^e 1. Int. That he has known y^e Same ab^t 50 year.

To the 2^d That there is a great alt^n by a Beach's being raised up about a mile, which turns y^e Chann^l to y^e Southw^d

To the 3^d That it is Some years (ab^t 3 or 4) Since he Saw y^e Same as to y^e other Int^s the Mass^a waved y^e Same. —

Q. What was there formerly without the lowermost Black Rocks? —

A. Nothing but Sands, Seen about an hour before low water. —

Q. Whether Vessels used to go over or thro' that place which is now Beach & mowable.

A. That Vessells used to go thro' where there now is a high Beach and y^e grass grows. —

Q. W^r that place was accounted the main or best Channel. —

A. That he can't be particular or certain which was the best Channel, but that it was called the North Chann^l & by Some reckoned the best Channel, but that he do's not know of his own knowlege which was the best Chann^l

Joseph Eaton

24 Aug^t 1737 — ffo: 91. — The Com'ee of the Massachusetts Moved the Comm^rs to take into their cons: their Memoriall of the 12^th Instant & at the same time produced a Vote of the Gen^ll Court of the Mass: appointing 2 other Gent. Viz^t M^r Auchmuty & M^r Read to be of the Com'ee touching this Controversy & desiring they might be so admitted Which Vote being read & it appearing thereby that 2 of the former Agents of the Mass: were wanted at home & that the 2 new ones were appointed in their room, They were accordingly Admitted

[The above mentioned vote is here given in full from Masonian Papers, Vol. 4. p. 141.]

At a Great and General Court or Assembly for His Majesty's Province of the Massachusetts Bay held at Salisbury by Adjournment, August the 10^th 1737.

Aug : 12, In the House of Representatives ;

WHEREAS one of the Agents appointed to appear before the Court of Commissioners on the New Hampshire Boundaries is called out of the Province, and the Business of another will Speedily demand his Attendence out of the Province also :

VOTED That Robert Auchmuty & John Read Esq^rs^ be and are hereby Authorized and impowered Agents, And are accordingly joined with the other Agents to appear before the Said Hon^ble^ Commissioners in the Said Affair ; Any Five of the Said Agents to be a Quorum.

In Council Read & Concur'd

Consented to, J Belcher

Copy Exam^d^ ℔ Simon Frost Dep^t^ Sec^ry^

Then the Comm^rs^ taking notice of their Resolution or Recommendation of the 12^th^ Instant to the Gen^ll^ Courts of the 2 Provinces for Agreeing upon a proper Plan to lay before 'em of the Rivers Merrimack & Newichwannock & that the Gen^ll^ Court of New Hampshire had not sent any Resolve of theirs touching what was so recommended to them but that it appeared to be *acted upon by one branch of the Legislature only.*

The Court therefore renewed their recommendation of this affair to the Gen^ll^ Court of New Hampshire to agree upon some Plan in conjunction with the Gen^ll^ Court of the Mass : & to report their Concurrence or non-conurrence *with what had been done by the Gen^ll^ Court of the Mass :* touching the prem'es in writing that so the Comm^rs^ might proceed with all possible Dispatch — And the Clerks were ordered forthwith to Deliver a Copy hereof to the Com'ee of New Hampshire

93. And the Mass : Com'ee having made a Motion in writing Praying That as the Dep'cons of sev^ll^ of their Witnesses sworn the day before were drawn up by ℔sons out of Court & had not been drawn up by the Comm^rs^ Clerk in the presence of the Witnesses & signed by them in open Court as directed by the Comm'on, That they might be again produced & exa'ied in open Court as the Comm'on directed & exhi'ted a sett of Interries for that purpose, The ꝯs : of this Motion was deferred till the next day to which time they Adjourned

[The above-mentioned motion is here given in full from the original in Masonian Papers, Vol. 4. p. 141.]

To the hon^ble^ his Maj^tys^ Commissioners for settling the boundary lines between the Provinces of New Hampshire & the Massachusetts Bay

' The Agents for y^e^ Province of the Massachusetts Bay humbly pray, that for as much as the depositions of several of their witnesses were drawn up by Persons out of Court, and not drawn up by y^e^ Clerk of this hon^ble^ Court in presence of y^e^ witnesses & signed by them in open Court as the Royal Commission for the holding of this honourable Court expressly directs, wherefore they humbly pray the s^d^ Witnesses here produced may be Examined in open Court upon y^e^ interrogatorys herewith presented, their answers upon oath taken down by the Clerks of this Court & y^e^ same signed by y^e^ witnesses in open Court accordingly. —

E Quincy
In the Name of the Agents

[*Vote of Mass. Council*, 1737.]

[Mss. Prov. Boundaries, p. 128.]

In Council August 24, 1737.

Ordered That the Agents appointed in behalf of this province to appear before the Hon^ble^ His Majestys Court of Commission^rs^ now Sitting at Hampton, lay before this Court, at Such times as it Shall be Sitting an Account of their Proceedings in that Affair, de die in diem ; That so the Court May be the better enabled to Act what may be thought proper relating thereto.

Sent down for Concurrence — Simon Frost Dep^t^ Sec^ry^

In the House of Repres^ves^ Aug : 24, 1737

Read and Concur'd. — J Quincy Sp^kr^
Consented to, — J Belcher
Copy Exam^d^ ℔ — Simon Frost Dep^t^ Sec^ry^

25 Aug^t^ 1737 — 96 — The Motion made by the Mass : Com'ee yesterday Granted & then Adjourned till the next day, & their Witnesses were produced & Examined accordingly

26 Aug^t^ 1737 — 97 — The New Hampshire Com'ee ffiled a Protest in writing ag^t^ M^r^ Read & M^r^ Auchmuty being rec'ed as 2 of the Com'ee

[In place of the abstracts here entered, these protests are given in full from Masonian Papers, Vol. 4, p. 142.]

N Hamp^r^ Protest V^s^ Read & Auchmutys Being heard orally — Viz —

For That upon the Petition of the Massachusetts Praying to be heard by Council Learned in the Law the order of this Hon^ble^ Court

on the 11th Inst Decreed that no Oral Pleading Should be Admitted which order we Esteemd as Conclusive & therefore came unprepared with Such Council & the Court now admitting Mr Read & Auchmuty Two of the greatest Lawyers in America on the parte of the Massachusetts because yt Governmt Added them to yr Comittee when it Is not in the power of New Hampr at this Juncture to Obtain Any Assistance or advice from Such Imenent Lawyers none Liveing nearer than Boston being fifty Miles from Court & therefore Look upon Such Procedings Contrary to the Express words of the Decree aforesd An Injury to his Majty Province of New Hampr & do therefore Protest Agst their being orally heard & pray the Same may be Entred in the minits of this Honble Court & made Parte of the Case—

Theodr Atkinson { In behalf of ye Comittee

Against the Massa : Evidences

His Majty Province of New Hampr beg Leave to Protest against the Evidences Produced by the Massachusetts & Say their being admitted as Evidences is not only illegal but Contrary to the Intent of his Majty Comission Constituteing this Honble Court for that they are all parties in the Case being not only Inhabitants but as Such Proprietors of all the Lands ungranted in the Province of the Massachusetts & further their comeing prepared with their evidences Drawn up out of Court & by Persons Liveing on the Controversy & Deeply & Perticularly Intrested in the Dispute as the evidences Confessed in Court — and alsoe for that they were admitted to Swear A Second time when the party had Large opportunity to Confer with them which must be Supposed was the Case their first & Second Evidences widely Differing as in the Case of Thos Parker Perticularly in Relation to his Age —

Theodr Atkinson { In behalf of ye Comtee

The Massachusetts then Produced & Exa'ied the same 5 Wittnesses upon the ffoll Interries Vizt

[Masonian Papers, Vol. 4, p. 143.]

Province of the Massachusetts Bay } Interrogatories Exhibited to His Majesties Commissioners for marking out and Setling the Boundaries between the Provinces of the Massachusetts Bay

& New Hampshire, as well on the Southern as on the Northern part of New Hampshire, by the Province aforesaid, for Sundry Witnesses, On the part of the Province, to make Answer unto.

1st What is the name of that Stream or Great River running over Pantuckett Falls./
2. What is the name of that Great River or Stream whereinto Nashaway River Empties it self./
3. What is the name of that Great River or Stream whereinto Souhegan River Empties it Self./
4. What is the name of that Great River or Stream wherein Piscataquaoy River Empties it Self./
5. What is the name of that Great River or Stream running over Amaskeeg ffalls./
6. What is the name of that Great River or Stream whereinto Suncook River Empties it Self: /
7. What is the name of that Great River or Stream that runneth through Pennicook Plantation now calld Rumford./
8 What is the name of that Great River or Stream whereinto Contoocook River Empties it Self./
9thly What is the name of that Great River or Stream whereinto Pemegewassett & Wenepesiokee Rivers runneth into
10. Whether the whole of that Great River from the Crotch or meeting of Pemegewassett & Wenepesiokee down to the ffalls at Pantuckett is, and ever was known & called by the name of Merrimack./
11 Wr that Great River which runneth from ye union of Pemegiwasset & Wennepesiokee Rivers over Pautucket Falls & Empties it self into ye Sea between Newbury & Salisbury be not all along reputed and known by the Name of Merrimack River.

[In place of the abstracts here entered, these documents are given in full from the originals in Masonian Papers, Vol. 4. p. 140.]

Isaac Bradley, Sworne, aged about 57 yrs

To ye 1st Interr. A. that it is called Merrimack.
2. ——— A. that it is called Merrimack.
3 ——— A. That it is calld Merrimack
4 ——— A That he do's not know.
5 ——— A That it is called Merrimack.
6 ——— A. That it is called Merrimack.
7 ——— A. That it is called Merrimack.
8 ——— A. That it is called Merrimack

9 ——— A. That it is called Merrimack.
10 ——— A. That it has ever been called by the Name of Merrimack Since he knew any thing ab^{t} it being So called by the Ind^{s} y^{t} used there, & he hav^{g} known y^{e} Same ab^{t} 40 y^{rs}
11. ——— A. That he never heard it called by any other Name than Merrimack, being what y^{e} Dep^{t} called it and others told him it was called by that Name.

Q. W^{r} he ever heard that part of the River between Haverhill & Bradford called Haverhill River. A. Yes.

Aug^{t} 26th 1737. Isaac brady

Joseph Butterfield, Sworne.

To the 1. Int. A. That it is called Merrimack.
2 —— A. ——— Merrimack.
3 —— A ——— Merrimack.
4 —— A ——— Merrimack.
5 —— A ——— Merrimack.
6 —— A ——— Merrimack.
to y^{e} 7. —— A ——— Merrimack.
8 —— A ——— Merrimack.
9 —— A ——— Merrimack.
10 —— A ——— Yes.
11 —— A ——— Yes.

Q. W^{r} he ever heard that part of the River between Haverhill & Pennicook now Rumford called Pennicook River

A. No.

Aug^{t} 26th 1737. — Signum Joseph X Butterfield.

John Commings. aged 56 y^{rs} Sworne.

To the 1 Int. —— A y^{t} it is called Merrimack
2 ——— A. Merrimack
3 ——— A. Merrimack
4 ——— A. Merrimack
5 ——— A. Merrimack
6 ——— A. Merrimack
7 ——— A. Merrimack
8 ——— A. Merrimack
9 ——— A. Merrimack
10 ——— A
11 ——— A } he never knew it called by any other Name.

Q. The Dep^{t} being asked how he knows it is Merrimack.
A. That he has always heard it called So as well by English as Ind^{s} for these thirty four years last past. —

Aug^{t} 26th 1737. John Comings.

Benjamin Parker of Chelmsford in the County of Middlesex in the Province of the Massachusetts Bay Yeoman aged Sixty seven years. Sworne. —

To the 1st Int. —— A. Merrimack River
2 ——— A. Merrimack River
3 ——— A Merrimack River
4 ——— A. Merrimack River
5 ——— A. Merrimack River
6 ——— A. Merrimack River
7 ——— A. Merrimack
8 ——— A. Merrimack
9 ——— A. Merrimack River.
To y^{e} 10th ——— A. That he has known it to be called So ever since he was Eight years old.
11 ——— A. Yes, by Indians & English.

Q. Whence do you take the beginning of the Eight years of age you speak of, from your age as given in your Evidence the 23^{d} Instant, or from that given in your Evidence of this day. —
A. From that given in my Evidence of this day.
Q. How farr have you been up the Great River you Speak of. —
A. About five miles above Pennicook.
Q. Did you ever See the Crotch of the Great River you Speak of.
A. No. —

Aug^{t} 26. 1737. Benjamin parker

John Longley of Groton in the County of Middx in y^{e} Province of the Mass^{a} Bay Yeoman aged ab^{t} 55 years. Sworne. —

To y^{e} 1. Int. —— A. Merrimack.
2 ——— A. Merrimack
3 ——— A. That he do's not know, not hav^{g} obs^{d} Souh^{n} Riv^{r}
4 ——— A. That he do's not know, not hav^{g} obs^{d} Piscat^{y} Riv^{r}
5 ——— A. Merrimack.
6 ——— A Merrimack.
7 ——— A. Merrimack.

8 ——— A. Merrimack.
9 ——— A. Merrimack.
10 ——— A. Yes.
11 ——— A. That he never was acquainted with the River below Pantucket Falls, but always heard it was called Merrimack. —

Aug^{t} 26th 1737. — John Longley

103 — The Vivâ Voce Evidence being thus closed The Com'ees of both Provinces were ord^{d} to lay before the Comm^{rs} All their Papers Evidences Deeds Ch'ers & Proofs relating to this Controversy that afternoon & the next morning

And the Comm^{rs} then Adjourned to the afternoon

When they again met & the New Hampshire Com'ee Presented a Copy of a Report from the Gen^{ll} Court of that Province touching a Plan of Merrimack River ꝑsuant to what was recommended by the Comm^{rs} the day before — But this Report is not entred among the Proceedings.

[*Vote of N. H. Council about Plans*, 1737.]

[Mss. Prov. Boundaries, p. 132.]

In Council Augst 25, 1737 —

Pursuant to the Recommendation of the Hon^{ble} Court of Comm^{rs} to agree upon a plan of the River Merrimack to be laid before them and having now before this Board a Plan of the River which runs from Winnipishoky Pond to the Atlantick sea presented by the Great & General Court of the Massachusets Bay to the General Assembly of New Hamp^{r} to be agreed upon by the Said General Assembly of New Hampshire in order to be laid before the Honourable Commissioners aforementioned VOTED That the said plan be Accepted, & It is hereby ordered that the same be forthwith laid before the said Honourable Commissioners to give them an Idea of the before mentioned River Runing from Winnipishoky pond aforesaid to the Atlantick Ocean before mentioned.

Ordered To be sent down — for Concurrence

Rich^{d} Waldron Sec^{ry}

Eod^{m} Die/ In the House of Representatives

the above vote Read and Noncurr'd : and voted that the House adhears to their former votes of the 20th Curr^{t} — Relating to the Plans — James Jeffry Cle^{r} Ass^{m}

[*N. H. Vote about Plans*, 1737.]

[Mss. Prov. Boundaries, p. 129.]

Province of
New Hampshire } In the House of Representativs

Pursuant to the Recomendation of the Hon^ble Court of Commiss^rs to agree upon a Plan with the Mass^a

VOTED/ That the Annexed Plan, be presented to the S^d Hon^ble Court of Commiss^rs to Give them an Idea of the Course of the Water from Winnipiseoke and Pimegewasick to where it Emptys it Selfe into the Atlantick Ocean —

August 26^th 1737 — James Jeffry Cle^r Ass^m
Sent up for Concurrence
In Council Eod^m die
Read and Concurred — Rich^d Waldron Sec^ry
Same day Consented to — J Belcher

[Masonian Papers, Vol. 4, p. 144.]

Prov^e of
N Hamps^r } Hampton august 26^th 1737

Wee of the Comittee of Newhampshire for the affaire of the Dividing Lines between the Provinces — Object against the Whole Report of the Committee of the Mass^a and the vote of the Gen^ll Court thereon Dated the 18^th Curr^t

2 against the Severall Entries on the Draught of the words Merrymack

3 Against the Pretended Boundary at Endicots Tree So called as also the Black Rocks which is about a Mile to the Northward of the Middle of the Mouth of Merrymack River where it Emptys it Selfe into the Atlantick Ocean

Sha^d Walton
Geo. Jaffrey
Jotham Odiorne
Theodore Atkinson
And^r Wiggin
J Rindge
Tho^s Packer
James Jeffry
} Comittee

The Massachusetts written Evidence

7 Oct^{r} 1691 3^{o} W^{m} & M^{a} Massachusetts Charter

Then the Agents for the Massachusets Produced the Originall Charter of William & Mary which was read & a Copy thereof is returned among the Proceedings of the Comm^{rs} ffo : 104 to 145.

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 145.]

The CHARTER *Granted by Their Majesties King* WILLIAM *and Queen* MARY, *&c.*

WILLIAM and MARY, by the Grace of GOD, King & Queen of *England*, *Scotland*, *France* and *Ireland*, Defenders of the Faith, &c. To all to whom these Presents shall come, Greeting. Whereas his late Majesty King *James* the First, Our Royal Predecessor, by his Letters Patents under the Great Seal of *England*, bearing Date at *Westminster* the Third Day of *November*, in the Eighteenth Year of his Reign, did give and grant unto the Council Established at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering and Governing of *New-England* in *America*, and to their Successors and Assigns, all that part of *America* lying and being in breadth from Forty Degrees of Northerly Latitude from the Equinoctial Line to the Forty Eighth Degree of the said Northerly Latitude, inclusively, and in length of and within all the breadth aforesaid throughout all the Main Lands, from Sea to Sea, together also with all the Firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals, Precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Priviledges, Franchises and Preheminences, both within the said Tract of Land upon the Main, and also within the Islands and Seas adjoyning : Provided always that the said Lands, Islands, or any the Premises by the said Letters Patents intended or meant to be granted were not then actually possessed or inhabited by any other Christian Prince or State, or within the Bounds, Limits or Territories of the Southern Colony, then before granted by the said late King *James* the first, by divers of his Subjects in the South parts ; To have and to hold, possess and enjoy, all and singular the aforesaid Continent Lands, Territories, Islands, Hereditaments, and Precincts, Seas, Waters, Fishings, withal and all manner of their Commodities, Royalties, Liberties, Preheminences and Profits that should from thenceforth arise from thence, with all and singular their Appurtenances and

every part and parcel thereof, unto the said Council, and their Successors and Assigns for ever, to the sole and proper Use and Benefit of the said Council and their Successors and Assigns for ever: To be holden of his said late Majesty King *James* the first, his Heirs and Successors, as of his Mannor of East *Greenwich* in the County of *Kent*, in Free and Common Sockage, and not in *Capite*, or by Knights Service: Yielding and Paying therefore to the said late King, his Heirs and Successors, the fifth part of the Oar of Gold and Silver, which should from time to time, and at all times then after happen to be found, gotten, had and obtained, in, at, or within any of the said Lands, Limits, Territories or Precincts, or in, or within any part or parcel thereof, for or in respect of all and all manner of Duties, Demands and Services whatsoever, to be done, made or paid to the said late King *James* the first, his Heirs and Successors (as in and by the said Letters Patents, amongst sundry other Clauses, Powers, Priviledges and Grants therein contained, more at large appeareth:) and whereas the said Council Established at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering, and Governing of *New England* in *America*, did by their Deed indented under their Common Seal, bearing date the Nineteenth Day of *March*, in the Third Year of the Reign of Our Royal Grand-father King *Charles* the First, of ever Blessed Memory, Give, Grant, Bargain, Sell, Infeoff, Alien and Confirm to Sir *Henry Roswell*, Sir *John Young*, Knights, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Assigns, and their Associates, for ever, all that part of *New-England* in *America* aforesaid, which lyes and extends between a great River there, commonly called *Monomack* alias *Merimack*, and a certain other River there called *Charles River*, being in a bottom of a certain Bay there commonly called *Massachusetts*, alias *Mattachusetts*, alias *Massatusetts-Bay*, and also all and singular those Lands and Hereditaments whatsoever, lying within the space of three *English* Miles, on the South part of the said *Charles River*, or of any and every Part thereof; and also all and singular the Lands and Hereditaments whatsoever, lying and being within the space of three *English* Miles to the Sothward of the southermost part of the said Bay called the *Massachusetts*, alias *Mattachusetts*, alias *Massatusetts* Bay; and also all those Lands and Hereditaments whatsoever which lye and be within the space of three *English* Miles to the Northward of the said River called *Manomack*, alias *Merimack*, or to the Northward of any and every part thereof, and all Lands and Hereditaments whatsoever lying within the Limits aforesaid North and South in Latitude, and in Breadth, and in Length, and Longitude, of and within all the breadth afore-

said throughout the Main Lands there, from the *Atlantick* and Western Sea and Ocean on the East part to the South Sea on the West part, and all Lands and Grounds, Place and Places, Soil, Woods and Wood-grounds, Havens, Ports, Rivers, Waters, Fishing and Hereditaments whatsoever, lying within the said bounds and limits, and every part and parcel thereof; and also all Islands lying in *America* aforesaid, in the said Seas, or either of them on the Western or Eastern Coasts or parts of the said Tracts of Land, by the said Indenture mentioned to be given and granted, bargained, sold, enfeoffed, alien'd and confirmed, or any of them; and also all Mines and Minerals, as well Royal Mines of Gold and Silver as other Mines and Minerals whatsoever in the said Lands and Premises, or any part thereof, and all Jurisdictions, Rights, Royalties, Liberties, Freedoms, Immunities, Priviledges, Franchises, Preheminences and Commodities whatsoever, which they the said Council Established at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering and Governing of *New-England* in *America*, then had, or might use, exercise or enjoy, in or within the said Lands & Premises, by the same Indenture mentioned to be given, granted bargained, sold, enfeoffed and confirmed in or within any part or parcel thereof: To have and to hold the said parts of *New-England* in *America*, which lyes and extends, and is abutted as aforesaid, and every part and parcel thereof; and all the said Islands, Rivers, Ports, Havens, Waters, Fishings, Mines, Minerals, Jurisdictions, Franchises, Royalties, Liberties, Priviledges, Commodities, Hereditaments and Premises whatsoever, with the Appurtenances, unto the said Sir *Henry Roswell*, Sir *John Young*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simond Whetcomb*, their Heirs and Assigns, and their Associates for ever, to the only proper and absolute use and behoof of the said Sir *Henry Roswell*, Sir *Young*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Assigns and their Associates for evermore: To be holden of our said Royal Grandfather King *Charles* the First, his Heirs and Successors, as of his Mannor of *East Greenwich* in the County of *Kent*, in free and common Sockage, and not in *Capite* nor by Nights Service, yielding and paying therefore unto Our said Royal Grandfather, his Heirs and Successors, the fifth part of the Oar of Gold and Silver which should from time to time, and at all times hereafter happen to be found, gotten, had and obtained in any of the said Lands within the said Limits, or in or within any part thereof, for and in satisfaction of all manner of Duties, Demands and Services whatsoever, to be done, made or paid to Our said Royal Grandfather, his Heirs or Successors (as in and by the said recited Indenture may more at large appear.)

And *Whereas* Our said Royal Grandfather in and by his Letters Patents under the Great Seal of *England*, bearing date at *Westminster* the fourth day of *March*, in the fourth Year of his Reign, for the Consideration therein mentioned, did grant and confirm unto the said Sir *Henry Roswell* Sir *John Young Thomas Southcott, John Humphreys, John Endicott* and *Symond Whetcombe*, and to their Associates after named, *viz.* Sir *Ralph Saltonstall* Knight, *Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathanael Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Brown, Samuel Brown, Thomas Hutchins, William Vassall, William Pincheon* and *George Foxcroft*, their Heirs and Assigns, all the said part of *New-England* in *America*, lying and extending between the Bounds and Limits in the said Indenture expressed, and all Lands and Grounds, Place and Places, Soils, Woods and Wood grounds, Havens, Ports, Rivers, Waters, Mines, Minerals, Jurisdictions, Rights, Royalties, Liberties, Freedoms, Immunities, Priviledges, Franchises, Preheminences and Hereditaments whatsoever; bargained, sold, enfeoffed and confirmed, or mentioned or intended to be given, granted, bargained, sold, enfeoffed, aliened and confirmed to them the said Sir *Henry Roswell*, Sir *John Young, Thomas Southcott, John Humphreys, John Endicott* and *Symond Whetcombe*, their Heirs and Assigns, and to their Associates for ever, by the said recited Indenture: To have and to hold the said part of *New England* in America, and other the Premises thereby mentioned to be granted and confirmed, and every part and parcel thereof, with the appurtenances, to the said Sir *Henry Roswell*, Sir *John Young*, Sir *Richard Saltonstall, Thomas Southcott, John Humphreys, John Endicott, Symond Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathanael Wright, Samuel Vassal, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Brown, Samuel Brown, Thomas Hutchins, William Vassall, William Pincheon* and *George Foxcroft*, their Heirs and Assigns for ever, to their own proper and absolute use and behoof for evermore; To be holden of our said Royal Grandfather, his Heirs and Successors, as of his Mannor of *East-Greenwich* aforesaid, in free and common Sockage, and not in *Capite* nor by Knights Service; and also yielding and paying therefore to Our said Royal Grandfather, his Heirs and Successors, the fifth part only of all the Oar of Gold and Silver which from time to time and at all times after should be there gotten, had or obtained, for all Services, Exactions and Demands whatsoever, according to the Tenor and Res-

ervation in the said recited Indenture expressed. And further, Our said Royal Grandfather by the said Letters Patents did give and grant unto the said Sir *Henry Roswell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicot*, *Symond Whetcomb*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richar Bellingham*, *Nathanael Wright*, *Samuel Vassall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Sam*^{ll} *Brown*, *Thomas Hutchins*, *W*^{m} *Vassall*, *William Pincheon* and *George Foxcroft*, their Heirs and Assigns, all that said part of *New England* in *America*, which lyes and extends between a great River called *Monomack*, alias *Merimack River*, and a certain other River there called *Charles River*, being in the bottom of a certain Bay there commonly called *Massachusetts*, alias *Mattachusetts*, alias *Massatusetts-Bay ;* and also all and singular those Lands and Hereditaments whatsoever, lying within the space of three *English* Miles, on the South part of the said River called *Charles River*, or of any or every part thereof ; and also all and singular the Lands and Hereditaments whatsoever, lying and being within the space of three *English* Miles to the Southward of the southermost part of the said Bay called *Massachusetts*, alias *Mattachusetts*, alias *Massatusetts-Bay ;* and also all those Lands and Hereditaments whatsoever which lye and be within the space of three *English* Miles to the Northward of the said River called *Monomack* alias *Merimack*, or to the Northward of any and every part thereof, and all Lands and Hereditaments whatsoever lying within the Limits aforesaid, North and South in Latitude, and Breadth, and in length and Longitude, of and within all the breadth aforesaid throughout the Main Lands there, from the *Atlantick* or Western Sea and Ocean on the East part, to the South Sea on the West part ; and all Lands & Grounds, Place and Places, Soils, Woods and Wood-lands, Havens, Ports, Rivers, Waters and Hereditaments whatsoever, lying within the said Bounds and Limits, and every part and parcel thereof ; and also all Islands in *America* aforesaid, in the said Seas, or either of them on the Western or Eastern Coasts or Parts of the said Tracts of Lands, thereby mentioned to be given and granted, or any of them ; and all Mines and Minerals, as well Royal Mines of Gold and Silver as other Mines and Minerals whatsoever in the said Lands and Premises, or any part thereof ; and free Liberty of Fishing in or within any of the Rivers & Waters within the bounds and limits aforesaid, and the Seas thereunto adjoyning ; and all Fishes, Royal Fishes, Whales, Balene, Sturgeon, and other Fishes of what kind or Nature soever, that should at any time thereafter be taken in or within the said Seas or Waters, or any of them, by the said Sir *Hen-*

ry Roswell, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simond Whetcome*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathaniel Wright*, *Samuel Vassall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vassall*, *William Pincheon* and *George Foxcroft*, their Heirs or Assigns, or by any other Person or Persons whatsoever there inhabiting, by them or any of them to be appointed to Fish therein. *Provided* always, that if the said Lands, Islands, or any the Premises before mentioned, and by the said Letters Patents last mentioned, intended and meant to be granted, were at the time of the granting of the said former Letters Patents, Dated the third day of *November*, in the Eighteenth Year of the Reign of his late Majesty King *James* the First, actually possessed or inhabited by any other Christian Prince or State, or were within the Bounds, Limits or Territories of the said Southern Colony then before granted by the said King, to be Planted by divers of his loving Subjects in the South parts of *America*, That then the said Grant of Our said Royal Grandfather should not extend to any such parts or parcels thereof so formerly inhabited, or lying within the bounds of the Southern Plantation as aforesaid. But as to those Parts or Parcels so possessed or inhabited by any such Christian Prince or State, or being within the boundaries aforesaid, should be utterly void: To have and to hold possess and enjoy the said parts of *New-England* in *America* which lye extend, and are abutted as aforesaid, and every part and parcel thereof; and all the Islands, Rivers, Ports, Havens, Waters, Fishings, Fishes, Mines, Minerals Jurisdictions, Franchises, Royalties, Liberties, Priviledges, Commodities and Premises whatsoever, with the Appurtenances, unto the said Sir *Henry Roswell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Symond Whetcombe*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vassall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vassall*, *William Pincheon* and *George Foxcroft*, their Heirs and Assigns, for ever: To the only proper and absolute use and behoof of the said Sir *Henry Roswell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Symond Whetcombe*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vassall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William*

Vassall, William Pencheon and *George Foxcroft*, their Heirs and Assigns for evermore: To be holden of Our said Royal Grand father, his Heirs and Successors, as of his Mannor of *East Greenwich* in the County of *Kent*, within the Realm of *England*, in free and common Sockage, and not in *Capite* nor by Knights Service: And also yielding and paying therefore to Our said Royal Grandfather, his Heirs and Successors, the fifth part only of all the Oar of Gold and Silver which from time to time and at all times thereafter, should be gotten, had and obtained for all Services, Exactions and Demands whatsoever. Provided always, and his Majesties express Will and meaning was, that only one fifth part of all the Gold and Silver Oar above mentioned in the whole, and no more should be answered, reserved & payable unto Our said Royal Grandfather, his Heirs and Successors, by Colour or Vertue of the said last mentioned Letters Patents, the double Reservations or Recitals aforesaid, or any thing therein contained notwithstanding. And to the end that the Affairs and Business which from time to time should happen and arise concerning the said Lands, and the Plantations of the same, might be the better Managed and Ordered, and for the good Government thereof, Our said Royal Grandfather King *Charles* the First, did by his said Letters Patents Create and make the said Sir *Henry Roswell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Symond Whetcombe*, *Isaac Johnson*, *Samuel Aldersey John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vassall*, and *Theophilus Eaton Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vassall*, *William Pincheon* and *George Foxcroft*, and all such others as should thereafter be admitted and made free of the Company and Society therein after mentioned, one Body Politique and Corporate in Fact and Name, by the Name of the Governour and Company of the *Massachusetts-Bay* in *New-England*, and did grant unto them and their Successors divers Powers, Liberties and Priviledges, as in and by the said Letters Patents may more fully and at large appear. And *Whereas* the said Governour and Company of the *Massachusetts-Bay* in *New-England*, by Vertue of the said Letters Patents did settle a Colony of the *English* in the said parts of *America*, and divers good Subjects of this Kingdom, incouraged and invited by the said Letters Patents, did Transport themselves and their Effects into the same, whereby the said Plantation did become very populous, and divers Counties, Towns and Places, were Created, Erected, made set forth, or designed within the said parts of *America*, by the said Governour and Company for the time being: And *Whereas* in the Term

of the *Holy Trinity*, in the Thirty sixth Year of the Reign of our Dearest Unkle King *Charles* the Second, a Judgment was given in Our Court of *Chancery* then sitting at *Westminster*, upon a Writ of *Scire facias*, brought and prosecuted in the said Court against the Governour and Company of the *Massachusetts-Bay* in *New-England*, that the said Letters Patents of Our said Royal Grand-father King *Charles* the First, bearing date at *Westminster* the 4th day of *March*, in the fourth Year of his Reign, made and granted to the said Governour and Company of the *Massachusetts-Bay* in *New-England*, and the Enrollment of the same, should be cancelled vacated and annihilated, and should be brought into the said Court to be cancelled, (as in and by the said Judgment remaining upon Record in the said Court doth more at large appear :) And whereas several Persons employed as Agents in behalf of Our said Colony of the *Massachusetts-Bay* in *New-England*, have made their humble Application unto us, That We would be graciously pleased by Our Royal Charter to Incorporate Our Subjects in Our said Colony, and to grant and confirm unto them such Powers, Priviledges and Franchizes as Our *Royal Wisdom* should be thought most Conducing to Our Interest and Service, and to the Welfare and happy State of Our Subjects in *New-England:* And We being graciously pleased to gratifie Our said Subjects ; and also to the end Our good Subjects within Our Colony of *New-Plymouth* in *New-England* aforesaid, may be brought under such a form of Government, as may put them in a better Condition of Defence, and considering as well the Granting unto them as unto Our Subjects in the said Colony of the *Massachusetts-Bay* Our Royal Charter, with reasonable Powers and Priviledges, will much tend not only to the safety, but to the flourishing Estate of Our Subjects in the said parts of *New-England*, and also to the advancing of the Ends for which the said Plantations were at first Encouraged ; Of Our Special Grace, certain Knowledge, and meer Motion, have Willed and Ordained, and We do by these presents for Us, Our Heirs and Successors Will and Ordain, That the Territories and Colonies commonly called or known by the Names of the Colony of the *Massachusetts-Bay*, and Colony of *New-Plymouth*, the Province of *Main*, the Territory called *Accada*, or *Nova Scotia ;* and all that Tract of Land lying between the said Territories of *Nova Scotia*, and the said Province of *Main*, be erected, United and Incorporated : And We do by these presents Unite, Erect and Incorporate the same into one Real Province by the Name of Our Province of the *Massachusetts-Bay* in *New-England ;* and of Our Especial Grace, certain Knowledge, and meer Motion, We have given and granted, and by these Pres-

The first Charter vacated by a Judgment in *Chancery, Anno* 1684

The Agents of that Colony Petitioned to be re-incorporated as formerly.

The *Massachusetts, Plymouth*, the Province of *Main*, & *Nova Scotia*, united & made one Province.

ents for Us, Our Heirs and Successors, do give and grant unto Our good Subjects, the Inhabitants of Our said Province or Territory of the *Massachusetts-Bay*, and their Successors, all that part of *New-England* in *America*, lying and extending from the great River commonly called *Monomack*, alias *Merimack*, on the North part, and from three Miles Northward of the said River to the *Atlantick* or Western Sea or Ocean on the South part, and all the Lands and Hereditaments whatsoever lying within the Limits aforesaid, and Extending as far as the outermost Points or Promontories of Land called *Cape-Cod*, and *Cape Malabar* North and South, and in Latitude, breadth, and in length and Longitude, of and within all the breadth and Compass aforesaid throughout the main Land there, from the said *Atlantick* or Western Sea, and Ocean on the East part towards the South Sea, or Westward as far as our Colonies of *Rhode-Island*, *Connecticut*, and the *Narragansett Country:* all also all that part or portion of main Land, beginning at the entrance of *Piscataway Harbour*, and so to pass up the same into the River of *Newichwannock*, and through the same into the furthest head thereof, and from thence North-westward, till one hundred and twenty miles be finished, and from *Piscataway Harbour* mouth aforesaid Northeastward along the Sea Coast to *Sagadohock*, and from the period of one hundred and twenty miles aforesaid to cross over land to the one hundred and twenty miles before reckoned up into the land from *Piscataway* Harbour through *Newichwannock* River, and also the North half of the Isles & *Shoals*, together with the Isles of *Capawock*, and *Nantuckett* near *Cape Cod* aforesaid, and also Lands Hereditaments lying and being in the Country & Territory commonly called *Accada*, or *Nova Scotia*, and all those Lands and Hereditaments lying and extending between the said Country or Territory of *Nova Scotia*, and the said River of *Sagadahock*, or any part thereof; and all Lands, Grounds, Places, Soyls, Woods and Wood-grounds, Havens, Ports, Rivers, Waters, and other Hereditaments and Premises whatsoever lying within the said Bounds and Limits aforesaid, and every part and parcel thereof: And also all Islands and Islets lying within Ten Leagues directly opposite to the Main Land within the said Bounds: And all Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals whatsoever in the said Lands and Premises, or any part thereof. *To have and to hold*, the said, Territories, Tracts, Countreys, Lands, Hereditaments, and all and singular other the Premises, with their and every of their Appurtenants to our said Subjects the Inhabitants of our said Province of the *Massachusetts-Bay* in *New-England*, and their Suc-

The Extent and Bounds of that Province.

All Mines & Minerals granted to the Inhabitants & their Successors.

cessors to their only proper Use and Behoof for evermore, *To be holden* of Us, our Heirs and Successors, as of our Mannor of *East-Greenwich*, in the County of *Kent*, by Fealty only in free and common Sockage: Yielding and paying therefore yearly to Us, our Heirs and Successors, the Fifth part of all Gold and Silver Oar, and Precious Stones which shall from time to time, and at all times hereafter, happen to be found, gotten had and obtained in any of the said Lands and Premises, or within any part thereof: *Provided* nevertheless, and we do for Us, our Heirs and Successors grant and ordain, that all and every such Land, Tenements and Hereditaments, and all other Estates, which any Person or Persons, or Bodies Politick, or Corporate, Towns, Villages, Colleges or Schools, do hold and enjoy or ought to hold and enjoy, within the Bounds aforesaid, by or under any Grant or Estate duely made or granted by any General Court formerly held or by virtue of the Letters Patents herein before recited, or by any other Lawful Right or Title whatsoever, shall be by such Person and Persons, Bodies Politick and Corporate, Towns, Villages, Colleges, or Schools, their respective Heirs, Successors and Assigns for ever, hereafter held and enjoyed, according to the purport and intent of such respective Grant, under and subject nevertheless to the Rents and Services thereby reserved or made payable, any matter or thing whatsoever to the contrary notwithstanding. *And provided also,* That nothing herein contained shall extend, or be understood or taken, to impeach or prejudice any Right Title, Interest or Demand, which *Samuel Allen* of *London,* Merchant claiming from and under *John Mason,* Esq; deceased, or any other Person or Persons, hath or have, or claimeth to have, hold or enjoy, of, into, or out of any part or parts of the Premises scituate within the Limits above mentioned: But that the said *Samuel Allen,* and all and every such person and persons, may and shall have, hold and enjoy the same in such manner (and no other than) as if these Presents had not been or made. It being our further Will and Pleasure, That no Grants or Conveyances of any Lands, Tenements or Hereditaments to any Towns, Colleges, Schools of Learning, or to any private Person or Persons, shall be judged or taken, to be avoided or prejudiced, for, or by reason of any want or defect of Form, but that the same stand and remain in force, and be maintained adjudged, and have effect in the Same manner as the same should or ought before the time of the said recited Judgment, according to the Laws and Rules then and there usually practised and allowed. *And* we do further, for Us, Our Heirs and

Saving one fifth of Gold & Silver Oar, *&c.*

All Lands, Hereditaments, *&c.* formerly granted to any Town, College, or School of Learning, confirm'd.

Saving for *Samuel Allen* claim.

Grants or Conveyances not prejudiced for want of Form.

Governour, Lieut. Governour, Secretary.

Successors, Will, Establish and Ordain, That from henceforth for ever there shall be One Governour; One Lieutenant, or Deputy-Governour; and One Secretary of Our said Province or Territory, to be from time to time Appointed and Commissionated by Us, Our Heirs and Successors; and Eight and Twenty Assistants, or Councellors, to be advising and assisting to the Governour of Our said Province or Territory for the time being, as by these Presents is hereafter directed and appointed: Which said Councellors or Assistants are to be constituted, elected and chosen in such form and manner as hereafter in these Presents is expressed. *And* for the better Execution of Our Royal Pleasure and Grant in this behalf, We do by these Presents, for Us, Our Heirs and Successors, Nominate, Ordain, Make and Constitute Our Trusty and Well-beloved *Simon Broadstreet, John Richards, Nathanael Saltonstall, Wait Winthrop, John Phillips, James Russel, Samuel Sewall, Samuel Appleton, Bartholomew Gedney, John Hathorn, Elisha Hutchinson, Robert Pike, Jonathan Corwin, John Jolliffe, Adam Winthrop, Richard Middlecot, John Foster, Peter Serjeant, Joseph Lynd, Samuel Heyman, Stephen Mason, Thomas Hinkley, William Bradford, John Walley, Barnabas Lothrop, Job Alcot, Samuel Daniel*, and *Silvanus Davis*, Esqrs; the first and present Councellors or Assistants of Our said Province; to continue in their said respective Offices or Trusts of Councellors or Assistants until the Last *Wednesday* in *May*, which shall be in the Year of Our Lord 1693. and until other Councellors or Assistants shall be Chosen and Appointed in their stead, in such manner as in these Presents is expressed. And we do further by these Presents Constitute and Appoint Our Trusty and Well beloved *Isaac Addington* Esq; to be Our first and present Secretary of Our said Province, during Our Pleasure. And Our Will and Pleasure is, That the Governour of Our said Province from the time being, shall have Authority, from time to time, at his Discretion, to Assemble and Call together the Councellors or Assistants of Our said Province for the time being: And that the said Governour, with the said Assistants or Councellors or Seven of them at the least, shall and may from time to time hold and keep a Council for the ordering and directing the Affairs of Our said Province. *And further*, We Will, and by these Presents for Us, Our Heirs and Successors, do Ordain and Grant, that there shall and may be Convened, Held and Kept by the Governour for the time being, upon every last *Wednesday* in the Month of *May*, every Year, for ever, and at all such other times as the Governour of Our said Province shall think fit and appoint, a Great and General Court of Assembly; which said Great and

Eight and Twenty Councellors.

The Names of the First Councellors or Assistants.

To continue until *May*, 1693 and until Others are Chosen by the Assembly.

Secretary.

The Governour with Seven Assistants to be a Council.

A General Court or Assembly to be Held the Last *Wednesday* in *May*, or oftener every Year:

General Court of Assembly shall consist of the Governour and Council or Assistants for the time being; and of such Free-holders of Our said Province or Territory, as shall be from time to time Elected or Deputed by the major part of the Freeholders, and other Inhabitants of the respective Towns or Places who shall be present at such Elections; each of the said Towns and Places being hereby impowred to Elect and Depute Two Persons and no more to serve for and represent them respectively in the said Great and General Court or Assembly. To which Great and General Court or Assembly to be held as aforesaid, We do hereby, for Us, Our Heirs and Successors, Give and Grant full Power and Authority from time to time to direct, appoint and declare what number each County, Town and Place shall Elect and Depute to serve for, and represent them respectively in the said Great and General Court or Assembly. *Provided always*, That no Free holder, or other person, shall have a Vote in the Election of Members to Serve in any Great and General Court or Assembly to be held as aforesaid, who at the time of such Election shall not have an Estate of Freehold in Land within Our said Province or Territory, to the Value of *Forty Shillings, per Annum* at the least; or other Estate to the Value of *Forty Pounds* Sterling: And that every Person who shall be so Elected, shall, before he Sit or Act in the said Great and General Court or assembly, take the Oaths mentioned in an *Act of Parliament* made in the First Year of Our Reign, Entituled, *An Act for Abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths*, and thereby appointed to be taken instead of the Oaths of Allegiance and Supremacy: And shall make, repeat and subscribe the Declaration mentioned in the said Act, before the Governour, & Lieutenant or Deputy Governour, or any Two of the Assistants for the time being, who shall be thereunto Authorized and Appointed by Our said Governour. And that the Governour for the time being shall have full Power and Authority from time to time, as he shall judge necessary, to Adjourn, Prorogue and Dissolve all Great and General Courts or Assemblies met and conven'd as aforesaid. And Our Will and Pleasure is, and we do hereby, for Us, Our Heirs and Successors, Grant, Establish and Ordain, That yearly, once in every Year for ever hereafter, the aforesaid Number of Eight and twenty Councellors or Assistants shall be by the General Court or Assembly newly Chosen; *That is to say*, Eighteen at least of the Inhabitants of, or Proprietors of Lands within the Territory formerly called the Colony of the *Massachusetts-Bay;* and Four at the least of the Inhabitants of, or Proprietors of Lands within the Territory formerly called *New-*

Two Assembly-Men to be Chosen by the Free holders in every Town.

The Governour has Power to Adjourn, Prorogue and Dissolve the Assembly.

Plymouth; and Three at the least of the Inhabitants of, or Proprietors of Land within the Territory formerly called the Province of Maine; and One at the least of the Inhabitants of, or Proprietors of Land within the Territory lying between the River of *Sadagahock* and *Nova Scotia*. And that the said Councellors or Assistants or any of them, shall or may at any time hereafter be removed or displaced from their respective Places or Trust of Councellors or Assistants by any Great or General Court or Assembly; and that if any of the said Councellors or Assistants shall happen to Dye, or be removed, as aforesaid, before the General Day of Election, that then, and in every such Case, the Great and General Court or Assembly, at their first sitting may proceed to a New Election of one or more Councellors or Assistants, in the room or place of such Councellors or Assistants so dying or removed. And we do further Grant and Ordain, That it shall and may be lawful for the said Governour, with the Advice and Consent of the Council or Assistants, from time to time, to nominate and appoint Judges, Commissioners of *Oyer* and *Terminer*, Sheriffs, Provosts, Marshals, Justices of the Peace, and other Officers, to Our Council and Courts of Justice belonging. *Provided always,* that no such Nomination or Appointment of Officers be made without Notice first given, or Summons issued out Seven Days before such Nomination or Appointment, unto such of the said Councellors or Assistants as shall be at that time residing within Our said Province. And Our Will and Pleasure is, That the Governour, and Lieutenant or Deputy-Governour and Councellors or Assistants for the time being, and all other Officers to be Appointed or Chosen, as aforesaid, shall, before the undertaking the Execution of their Offices and Places respectively, take their several and respective Oaths for the due and faithful performance of their Duties in their several and respective Offices and Places; and also the Oaths appointed by the said Act of Parliament made in the First Year of Our Reign, to be taken instead of the Oaths of Allegiance and Supremacy; and shall make, repeat and subscribe the Declaration mentioned in the said Act, before such Person or Persons as are by these Presents herein after appointed: (*That is to say,*) The Governour of Our said Province or Territory, for the time being, shall take the said Oaths, and make, repeat and subscribe the said Decleration before the Lieutenant or Deputy-Governour; or, in his Absence, before any two or more of the said Persons hereby nominated and appointed the present Councellors or Assistants of Our said Province or Territory, to whom We do by these Presents give full Power and Authority to

The Governours Councellors to be Inhabitants or Proprietors of Land in *New-England.*

Judges, Sheriffs, Justices, &c. to be appointed with the Consent of the Governours Council.

What Oaths are to be Taken.

give and administer the same to Our said Governour accordingly. And after Our said Governour shall be Sworn, and shall have subscribed the said Declaration, that then Our Lieutenant or Deputy-Governour for the time being, and the Councellors or Assistants before by these Presents nominated and appointed, shall take the said Oaths, and make repeat and subscribe the said Declaration before Our said Governour: And that every such person or persons as shall (at any time of the Annual Elections, or otherwise upon Death or Removal) be appointed to be the New Councellors or Assistants, and all other Officers to be hereafter Chosen from time to time, shall take the Oaths to their respective Offices and Places belonging; and also the said Oaths appointed by the said Act of Parliament, to be taken instead of the Oaths of Allegiance and Supremacy; and shall make, repeat and subscribe the Declaration mentioned in the said Act, before the Governour or Lieutenant or Deputy-Governour, or any Two or more Councellors or Assistants; or such other Person or Persons as shall be appointed thereunto by the Governour for the time being: To whom we do therefore by these Presents give full Power and Authority from time to time, to give and administer the same respectively, according to Our true meaning herein before declared, without any Commission or further Warrant, to be had and obtained from Us, Our Heirs and Successors in that behalf. And Our Will and Pleasure is, and We do hereby Require and Command, That all and every person and persons hereafter by Us, Our Heirs and Successors, Nominated and Appointed to the respective Offices of Governour, or Lieutenant or Deputy Governour, and Secretary of Our said Province or Territory (which said Governour, or Lieutenant, or Deputy Governour, and Secretary of Our said Province or Territory for the time being, We do hereby Reserve full Power and Authority to Us, Our Heirs and Successors, to Nominate and Appoint accordingly) shall before he or they be admitted to the Execution of their respective Offices, take as well the Oath for the due and faithful Performance of the said Offices respectively, as also the Oaths appointed by the said Act of Parliament, made in the said First Year of Our Reign, to be taken instead of the said Oaths of Allegiance and Supremacy; and shall also make, repeat and subscribe the Declaration appointed by the said Act in such Manner, and before such Persons as aforesaid. And further Our Will and Pleasure is, and We do hereby for Us, Our Heirs and Successors, Grant, Establish and Ordain, That all and every of the Subjects of Us, Our Heirs and Successors, which shall go to and inhabit within Our said Province and Territory, and every of their Children which shall hap-

The King reserves to Himself Power to appoint the Governour, Deputy Governour, and Secretary.

Persons Born in *New-England* to have the Priviledges of Natural Subjects of England.

pen to be Born there, or on the Seas in going thither, or returning from thence, shall have and enjoy, all Liberties and Immunities of Free and Natural Subjects within any of the Dominions of Us, Our Heirs and Successors, to all intents constructions and purposes whatsoever, as if they and every of them were Born within this Our Realm of *England*. And for the greater Ease and Encouragement of Our Loving Subjects inhabiting Our Said Province or Territory of the *Massachusetts-Bay*, and of such as shall come to inhabit there, We do by these Presents, for Us, Our Heirs and Successors, Grant, Establish and Ordain, that for ever hereafter there shall be a Liberty of Conscience allowed in the Worship of God to all Christians (except Papists) inhabiting or which shall inhabit or be resident within Our said Province or Territory. And We do hereby Grant and Ordain, That the Governour, or Lieutenant, or Deputy Governour of Our said Province or Territory, for the time being, or either of them, or any Two or more of the Council or Assistants for the time being, as shall be thereunto appointed by the said Governour, shall and may at all times, and from time to time hereafter, have full Power and Authority to administer and give the Oaths appointed by the said Act of Parliament, made in the First Year of Our Reign, to be taken instead of the Oaths of Allegiance and Supremacy, to all and every person and persons which are now inhabiting or residing within Our said Province or Territory, or which shall at any time or times here after go or pass thither. And We do of Our further Grace, certain Knowledge and meer Motion, Grant, Establish and Ordain, for Us, Our Heirs and Successors, that the Great and General Court or Assembly of Our said Province or Territory for the time being, Convened as aforesaid, shall for ever have full Power and Authority to Erect and Constitute Judicatories and Courts of Record, or other Courts, to be held in the Name of Us, Our Heirs and Successors ; for the Hearing, Trying and Determining of all manner of Crimes, Offences, Pleas, Processes, Plaints, Actions, Matters, Causes and Things whatsoever, arising or happening within Our said Province or Territory ; or between persons inhabiting or residing there ; whether the same be Criminal or Civil, and whether the said Crimes be Capital or not Capital, and whether the said Pleas be Real, Personal or Mixt ; and for the Awarding and making out of Execution thereupon : To which Courts and Judicatories, We do hereby, for Us, Our Heirs and Successors, Give and Grant full Power and Authority, from time to time to administer Oaths for the better discovery of Truth in any matter in Controversie, or depending before them. And We do for

Liberty of Conscience to be granted to all Christians except Papists.

The General Court has Power to Erect Judicatories, to Hear & Determine concerning all manner of Crimes, Capital or not Capital; and Pleas, whether Real, Personal or Mixt.

Us, Our Heirs and Successors, Grant, Establish and Ordain, that the Governour of Our said Province or Territory for the time being, with the Council or Assistants, may do, execute or perform all that is necessary for the Probate of Wills, and granting of Administrations for touching or concerning any Interest or Estate which any person or persons shall have within Our said Province or Territory: And whereas We judge it necessary, that all Our Subjects should have liberty to Appeal to Us, Our Heirs and Successors, in Cases that may deserve the same, We do by these Presents Ordain, That in case either Party shall not rest satisfied with the Judgment or Sentence of any Judicatories or Courts within Our said Province or Territory in any Personal Action, wherein the Matter in Difference doth Exceed the Value of *Three Hundred Pounds* Sterling, that then he or they may Appeal to Us, Our Heirs and Successors, in Our or Their Privy Council. *Provided,* such Appeal be made within Fourteen Days after the Sentence or Judgment given; and that before such Appeal be allowed, Security be given by the party or parties Appealing, in the Value of the Matter in Difference, to Pay or Answer the Debt or Damages for the which Judgment or Sentence is given, with such Costs and Damages as shall be Awarded by Us, Our Heirs or Successors, in case the Judgment or Sentence be Affirmed: And *Provided also*, That no Execution shall be staid or suspended, by reason of Such Appeal unto Us, Our Heirs and Successors, in Our or Their Privy Council; so as the party Sueing or Taking out Execution, do in the like manner give Security to the Value of the Matter in Difference, to make Restitution in case the said Judgment or Sentence be Reversed or Annulled upon the said Appeal. And We do further, for Us, Our Heirs and Successors, Give and Grant to the said Governour, and the Great and General Court or Assembly of Our said Province or Territory, for the time being, full Power and Authority, from time to time, to Make, Ordain and Establish all manner of Wholsome and Reasonable Orders, Laws, Statutes and Ordinances, Directions and Instructions, either with Penalties or without (so as the same be not Repugnant or Contrary to the Laws of this Our Realm of *England*) as they shall judge to be for the Good and Welfare of Our said Province or Territory, and for the Government and Ordering thereof, and of the People inhabiting, or who shall inhabit the same; and for the necessary Support and Defence of the Government thereof. And We do for Us, Our Heirs and Successors, Give and Grant, that the said General Court or Assembly, shall have full Power and Authority, to Name and Settle Annually all Civil Officers within the said Province, such

Probate of Wills, and granting Administrations.

Appeals to the King in some Personal Actions.

Execution not to be staid.

The General Court has Power to make Laws, not Repugnant to the Laws of *England*.

To Name & Settle Civil Officers, except, &c.

Officers excepted, the Election and Constitution of whom We have by these Presents Reserved to Us, Our Heirs and Successors, or to the Governour of Our said Province for the Time being; and to set forth the several Duties, Powers and Limits of every such Officer to be appointed by the said General Court or Assembly; and the Forms of such Oaths not Repugnant to the Laws and Statutes of this Our Realm of *England*, as shall be respectively administred unto them for the Execution of their several Offices and Places; and also to impose Fines, Mulcts, Imprisonments, and other Punishments; and to impose and levy Proportionable and Reasonable Assessments, Rates and Taxes, upon the Estates and Persons of all and every the Proprietors and Inhabitants of Our said Province or Territory, to be issued and disposed of by Warrant under the Hand of the Governour of Our said Province for the time being, with the Advice and Consent of the Council, for our Service in the necessary Defence and Support of Our Government of Our said Province or Territory, and the Protection and Preservation of the Inhabitants there, according to such Acts as are or shall be in Force within Our said Province; and to dispose of Matters and Things whereby Our Subjects, Inhabitants of Our said Province may be Religiously, Peaceably and Civilly Governed, Protected and Defended; so as their good Life and orderly Conversation may win the *Indians*, Natives of the Country, to the Knowledge and Obedience of the only True God and Saviour of Mankind, and the Christian Faith, which His Royal Majesty Our Royal Grandfather King *Charles* the First, in His said Letters Patents declared was His Royal Intentions and the Adventurers free Profession to be the Principle End of the said Plantation. And for the better Securing and Maintaining Liberty of Conscience hereby Granted to all persons, at any time being and residing within Our said Province or Territory as aforesaid, Willing, Commanding and Requiring, and by these Presents for Us, Our Heirs and Successors, Ordaining and Appointing that all Such Orders, Laws, Statutes and Ordinances, Instructions and Directions as shall be so Made and Published under Our Seal of Our said Province or Territory, shall be carefully and duely Observed, Kept and Performed, and put in Execution according to the true Intent and Meaning of these Presents. *Provided always*, And We do by these Presents, for Us, Our Heirs and Successors, Establish and Ordain, that in the Framing and Passing of all such Orders, Laws, Statutes and Ordinances, and in all Elections and Acts of Government whatsoever, to be Passed, Made or Done by the said General Court or

Power to impose Taxes on all the Inhabitants, to be disposed by Warrant from the Governour and Council, according to such Acts as shall then be in Force.

The Conversion of the *Indians* to be endeavoured.

The Governour to have a Negative on the Acts of the General Assembly, &c.

Assembly, or in Council, the Governour of Our said Province or Territory of the *Massachusetts-Bay* in *New-England* for the time being, shall have the Negative Voice; and that without his consent or Approbation signified and declared in Writing, no such Orders, Laws, Statutes, Ordinances, Elections, or other Acts of Government whatsoever, so to be Made, Passed or Done by the said General Assembly or in Council, shall be of any Force, Effect or Validity; Any thing herein contained to the contrary in any wise notwithstanding. And We do for Us, Our Heirs and Successors, Establish and Ordain, that the said Orders, Laws, Statutes and Ordinances, be by the first opportunity after the making thereof, sent or transmitted unto Us, Our Heirs and Successors, under the Publick Seal, to be appointed by Us, for Our or Their Approbation or Disallowance. And that in case all or any of them shall at any time within the space of Three Years, next after the same shall have been Presented to Us, Our Heirs and Successors, in Our or Their Privy Council, be Disallowed and Rejected, and so signified by Us, Our Heirs and Successors, under Our or Their Sign Manual and Signet; or by Order in Our or Their Privy Council, unto the Governour for the time being, then such and so many of them as shall be so Disallowed and Rejected, shall thenceforth Cease and Determine, and become utterly Void and of none Effect. *Provided always,* That in case, We, Our Heirs or Successors, shall not within the term of Three Years after the Presenting of such Orders, Laws, Statutes or Ordinances as aforesaid, signifie Our or Their Disallowance of the same, then the said Orders, Laws, Statutes or Ordinances, shall be and Continue in full Force and Effect, according to the true Intent and Meaning of the same, until the Expiration thereof, or that the same shall be Repealed, by the General Assembly of Our said Province for the time being. *Provided also,* That it shall and may be Lawful for the said Governour and General Assembly, to Make or Pass any Grant of Lands lying within the Bounds of the Colonies formerly called the Colonies of the *Massachusetts-Bay*, and *New-Plymouth,* and Province of *Maine,* in such manner as heretofore they might have done by Virtue of any former Charter or Letters Patents; which Grants of Lands within the Bounds aforesaid, We do hereby Will and Ordain to be and continue for ever of full Force and Effect, without Our further Approbation or Consent. And so as nevertheless, and it is Our Royal Will and Pleasure, that no Grant or Grants of any Lands lying or extending from the River

Laws to be sent to *England* for the Royal Approbation, if not Disallowed within Three Years, to be in Force until Repealed by the Assembly.

The General Court has Power to Pass any Grants of Land in *Massachusetts, Plymouth*, or the Province of *Maine*.

Grants of Land between *Sagadahock* and St. *Laurence* to have the Royal Approbation.

of *Sagadahock* to the Gulph of St *Laurence* and *Canada Rivers*, and to the Main Sea Northward and Eastward, to be made or past by the Governour and General Assembly of Our said Province, be of any force, validity or effect, until We, Our Heirs and Successors, shall have signified Our or Their Approbation of the same. And we do by these Presents for Us, Our Heirs and Successors, Grant, Establish and Ordain, that the Governour of Our said Province or Territory, for the time being, shall have full Power by himself, or by any Chief Commander, or other Officer or Officers, to be appointed by him from time to time, to Train, Instruct, Exercise and Govern the Militia there ; and for the special Defence and Safety of Our said Province or Territory, to Assemble in Martial Array, and put in Warlike Posture the Inhabitants of Our said Province or Territory, and to Lead and Conduct them, and with them to Encounter, Expulse, Repel, Resist and Pursue by Force of Arms, as well by Sea as by Land, within or without the Limits of Our said Province or Territory, and also to kill, slay, destroy and conquer, by all fitting ways, enterprizes and means whatsoever, all and every such person and persons as shall at any time hereafter attempt or enterprize the destruction, invasion, detriment or annoyance of Our said Province or Territory ; and to use and exercise the Law Martial in time of actual War, Invasion or Rebellion, as occasion shall necessarily require ; and also from time to time to Erect Forts, and to Fortifie any Place or Places within Our said Province or Territory, and the same to furnish with all necessary Ammunition, Provision and Stores of War, for offence or defence, and to commit from time to time, the Custody and Government of the same, to such person or persons as to him shall seem meet ; and the said Forts and Fortifications to demolish at his pleasure, and to take and surprize by all ways and means whatsoever, all and every such person or persons with their Ships, Arms, Ammunition, and other Goods, as shall in a Hostile manner Invade, or attempt the Invading, Conquering or Annoying of Our said Province or Territory. *Provided always*, and We do by these Presents, for Us, Our Heirs and Successors, Grants, Establish and Ordain, That the said Governour shall not at any time hereafter, by Virtue of any Power hereby granted, or hereafter to be granted to him, Transport any of the Inhabitants of Our said Province or Territory, or oblige them to March out of the Limits of the same without their free and voluntary Consent, or the Consent of the Great and General Court or Assembly of Our said Province or Territory ; nor grant Commissions for Exercising the Law Martial upon any the In-

The Governour to Command the Militia.

No Persons to be Transported out of the Province without their own Consent.

habitants of Our said Province or Territory, without the Advice and Consent of the Council or Assistants of the same. Provided in like manner, and We do by these Presents, for Us, Our Heirs and Successors, Constitute and Ordain, That when and as often as the Governour of Our said Province for the time being, shall happen to dye, or be displaced by Us, Our Heirs or Successors, or be absent from his Government; that then and in any of the said Cases, the Lieutenant or Deputy Governour of Our said Province, for the time being, shall have full Power and Authority, to do and execute all and every such acts, matters and things, which Our Governour of Our said Province, for the time being, might or could by Virtue of these Our Letters Patents lawfully do or execute, if he were personally present, until the return of the Governour so absent, or Arrival or Constitution of such other Governour as shall or may be appointed by Us, Our Heirs or Successors in his stead: And that when and as often as the Governour, and Lieutenant or Deputy Governour of Our said Province or Territory, for the time being, shall happen to dye, or be displaced by Us, Our Heirs or Successors, or be absent from Our said Province; and that there shall be no person within the said Province, Commissionated by Us, Our Heirs or Successors to be Governour within the same; then and in every of the said Cases, the Council or Assistants of Our said Province shall have full Power and Authority, and We do hereby give and grant unto the said Council or Assistants of our said Province, for the time being, or the major part of them, full Power and Authority to do and execute all and every such acts, matters and things which the said Governour, or Lieutenant or Deputy Governour of Our said Province or Territory, for the time being, might or could lawfully do or exercise, if they or either of them were personally present, until the return of the Governour, or Lieutenant or Deputy Governour so absent, or Arrival or Constitution of such other Governour, or Lieutenant or Deputy Governour, as shall and may be appointed by Us, Our Heirs or Successors from time to time. *Provided always*, and it is hereby Declared, that nothing herein shall extend or be taken to erect, or grant, or allow the exercise of any Admiral Court, Jurisdiction, Power or Authority, but that the same shall be, and is hereby reserved to Us and Our Successors, and shall from time to time be erected, granted and exercised by Virtue of Commissions to be issued under the Great Seal of *England*, or under the Seal of the High Admiral, or the Commissioners for Executing the Office of High Admiral of

The Law Martial not to be executed on any Inhabitant without the Consent of the Council.

In the absence of the Governour, the Deputy Governour to have the same Power.

In the absence of both the Governour & Deputy Governour, the major part of the Council to have their Power.

Admiralty Jurisdiction reserved.

England. And further, Our express Will and Pleasure is, and We do by these Presents, for Us, Our Heirs and Successors, Ordain and Appoint that these Our Letters Patents shall not in any manner Enure, or be taken to abridge, barr or hinder any of Our loving Subjects whatsoever, to use and exercise the Trade of Fishing upon the Coasts of *New-England*, but that they and every of them shall have full and free Power and Liberty to continue and use their said Trade of Fishing upon the said Coasts, in any of the Seas thereunto adjoyning, or any Arms of the said Seas or Salt-water Rivers where they have been wont to Fish; and to build and set upon the Lands within Our said Province or Colony, lying waste, and not then possess'd by particular Proprietors, such Wharffs, Stages and Work-houses, as shall be necessary for the Salting, Drying, Keeping and Packing of their Fish, to be taken or gotten upon that Coast; and to cut down and take such Trees and other Materials there growing, or being upon any Parts or Places lying waste, and not then in possession of particular Proprietors, as shall be needful for that purpose, and for all other necessary easements, helps and advantages concerning the Trade of Fishing there, in such manner and form as they have been heretofore at any time accustomed to do, without making any wilful waste or spoil; any thing in these Presents contained to the contrary notwithstanding.

The Trade of Fishing not to be abridg'd.

And Lastly, for the better providing and furnishing of Masts for Our Royal Navy, We do hereby reserve to Us, Our Heirs and Successors, all Trees of the Diameter of Twenty Four Inches, and upwards of Twelve Inches from the ground, growing upon any Soil or Tract of Land within Our said Province or Territory, not heretofore granted to any private Persons: And We do restrain and forbid all Persons whatsoever from Felling, Cutting or Destroying any such Trees without the Royal License of Us, Our Heirs and Successors, first had and obtained; upon Penalty of Forfeiting *One Hundred Pounds* Sterling unto Us, Our Heirs and Successors, for every such Tree so Felled, Cut or Destroyed, without such License had & obtained in that behalf: Any thing in these Presents contained to the contrary in any wise notwithstanding. In WITNESS whereof, We have caused these Our Letters to be made Patents. Witness Our Selves at *Westminster*, the Seventh Day of *October*, in the Third Year of Our Reign.

Trees fit for Masts not growing upon any Soil granted to particular persons to be preserved.

By Writ of Privy Seal. PIGOT.

A true Copy from the Original Examined ℔

J Willard Sec'ry.

We whose names are here under subscribed Having Receivd an order of Councill with a Warrent from the Honored John Usher Esqr Leftent Governour and Commander in Cheife in this Province of New Hampshire for the Running of the line Betweene the province of the Massichusetts and the province of New Hampshire We have according to our Best Skill and Art done the Same as High as Powow River mouth by Amesbery and this is a Draught of the Same as Witnes our Hands this 21 July 1698

Nathll Weare
Jos: Smith
Henry Dow
Samuel Dow

Powow River mouth
W ½ S:
N ½ W
West ½ S:
N by W ½ W
N W
W N W:
North
N W:
W by N
W ½ S:
N W by W ¼ W: 2 deg: M: 2 M: 70 R
greatly ganston
N W by W ¼ W: 1 M: 194 R:
W by N
Province Line W by N: ¼ M: / M: 93 R
West ½ N: / M: 22 R:
Beach
Merrimack River
W ½ N
Mouth River
N W
W ½ N
W by N ½ N
N W
N W:
North
N W:
W by N
W ½ S:
N ½ W
West ½ S:
N by W ½ W
N W
W N W:

50 100 150 200 250 300 350 400
Rodds

N
W
S
E

170. Then the Mass: Agents Moved That a *Copy of a Plan Attested & Certifyed by the Sec'ry of New Hampshire as ffiled in his Office which was Endorsed "Province Bounds returned 23 July* 1696. *W^m Redford Deputy Sec'ry"* might be rec'ed as Evidence, But the Court were of Opinion that the same ought not to be rec'ed as Evidence & thereupon the Mass: Agents *Moved that they might have lib'ty to Protest ag^t the Courts not receiving the s^d Copy which they were Allowed* to do, & the Court Ordered the Copy to be returned to the s^d Agents & the Clerks to Certify upon the back thereof the Courts Opinion on the same

The Com'ee of New Hampshire then entred a Protest ag^t the Comm^rs receiving the Judgm^t & Settlem^t of the Boundary Lines between the Colony of the Mass: Bay & M^r Gorges of King Charles the 2^d in 1677. & also ag^t receiving the Convey'ce from the Council of New England to M^r Mason in regard they related to the time of the Mass: Old Ch'er before it was Vacated, & ag^t all other papers which related to the time of the old Ch'er Esp'ially since the Comm^rs disallowed the Report of the Att^ry & Sol^r Gen^ll to the Lords of Trade relating to this Dispute being read as Evidence — All which they Excepted against

[The above mentioned protest is here given in full from the original in Masonian Papers, Vol. 4, p. 146.]

The Province of New Hamp^r by their Comittee In Open Court beg Leave to Except & Protest Ags^t the Courts Receiving as Evidence any Deeds Charters or other papers that related to the time of the Massachusetts old Charter & Could not as New Hamp^r Concieve opperate in the Case but only Clogg & retard the Same Such as the Settlem^t In King Charles the 2^d Time between the Massachusetts & Mason & Gorges & the Conveyance of the Council of Plumouth to Mason &c^a the Severall Indian Deeds Waldron & Wears Depositions &c^a all those Papers haveing no relation to the New Charter but was Transacted under the old Charter before it was Vacated & Annihillated & therefore unreasonable to be offred Now, Especially Since the Court Disallowd New Hamp^r the Bennifit of Putting into the Case the Report of his Maj^ty Attorny & Solicitor Gen^ll to the right Hon^ble the Lords Comissioners for Trade & plantations relating to this Very Dispute all which we Apprehend an Injury Don his Maj^ty Province of New Hamp^r & therefore Except ags^t the Same —

Theod^r Atkinson } in behalf of y^e Com^tee

Adjournment to Monday next

29 Aug^{t} 1737 — 172 — The Mass: Agents Produced in Evidence Attested Copys of 2 Dep'cons, one of Rich^{d} Walderne, & the other of Peter Weare, taken in 1665. before the Gov^{r} & Magistrates of the Mass: — An Indian Deed to Jonathan Tyng of 10 Oct^{r} 1685 — Deed from Sundry Indians to John Wheelwright & Others dat 17 May 1629 —Another Deed from 2 Indians to Jon^{a} Tyng dat 22 Dec^{r} 1683 — Grant from Gov^{r} Shute to the Town of Chester dat 8 May 1722 — And the Evidence of 2 ℔sons taken 7 May 1665 properly attested were read & ord^{d} to be rec'ed

Affid^{t} Rich^{d} Waldron Sworn 3^{d} May 1665, before the Gov^{r} & Magistrates of the Mass: at a Gen^{ll} Court at Boston

That ab^{t} 30 years since Dep^{t} having some Commerce or Trade with the Indians at Piscataqua & many Others both of Pancatucke & Winnipisiokee Dep^{t} enquired, What they called the River at Pennicook, they said it was Merrimack; & Dep^{t} enquiring why there were other names to that River, was told, such names referred to the places of Land where Indians lived on the River, not the River itself, but the river beareth the name of Merrimack not only in that branch which runneth from Winnipisiokee, but in the other Branch which runneth more Westerly — That about 6 years since Dep^{t} being sent for by Passaronaway & sev^{ll} other Sagamores where there was a great many Indians at Pennicook & being then at the ffort which was by the river side & enquiring concerning the name of the River rec'ed the same Ans^{r} as is above exprest

Dep'con Peter Weare Sworn at the same time

That Dep^{t} having often travelled the Country & always with some of the Native Indians It was from time to time Affirmed to Dep^{t} That the Lake called Winnipisiokee issued into Merrimack River — That Dep^{t} being with some Indians upon the Northside of the s^{d} Lake on a great Mountain saw the s^{d} Lake which the Indians Affirmed issued into the s^{d} river having this Report by them for 27 years.

Deed of Sale from the Indians to Jonathan Tyng —

10 Oct^{r} 1685 — 173 to 175 — By this Deed Wanalansit (the only Surviving Son of Passoronoway who was the Great & Chief Sachem upon Merrimack River to whom the rest of the Indians paid Tribute) In cons: of 70^{s}. tog'er with sev^{ll} other Charges expended on & Gifts & Kindnesses shown him by Jon^{a} Tyng of Dunstable on Merrimack River in the Mass: Colony absolutely Conveyed to the s^{d} Tyng his Heirs & Assigns for ever

"One Tract of Land situate lying & being *on the* s^d *Merrimack* "*River* & to lye full 6 English miles on each side of s^d river the s^d "river lying in the Center of it, to begin at a place commonly called "by the Indians *Pennicook* & commonly known by the English by "that name to begin on *said* River 3 miles up *the river beyond that* "*place in Pennicook* where the old Indian ffort now standeth, & so to "ascend *up* s^d *river untill you come to the Great Pond*, which Pond is "full of small Islands, which Pond is the utmost Northw^d to which "Major Simon Willard Esq^r went with his C^o when sent by the Gen^ll "Court up s^d river on Discovery"

HABEND the s^d Tract of Land with all the Islands in s^d river with all the Rivulets on each side s^d river from 6 miles wide on each side s^d river from end to end, To s^d Tyng his Heirs & Assigns for ever

With Cov^ts of a Good Title — of Warranty — & of Quiet Enjoym^t — Which Deed was 27 Oct^r 1685. duly Acknowledged, & Recorded 10 Nov^r 1686.

Deed from Sundry Indians to Wheelwright & Others * —

17 May 1629. By this Deed the Sagamores of Pennicook Pantuckett Squamscutt & Newichwannock (for a competent val in Goods already rec'ed in Coats Shirts & Victuals & that they might have the English Inhabit among 'em to strengthen 'em ag^t their Enemies) Grant & Confirm to John Wheelwright of the Mass: Bay a Minister of the Gospell & 4 Others all of the Mass: Bay their Heirs and Assigns for ever

176 to 182 "All that Part of the Main Land bounded by the "*River of Piscataqua, & the river of Merrimack* Viz^t to begin at "Newichwannock ffalls in Piscataqua River af^d & so down s^d river to "the Sea & so along the Sea Shoar *to Merrimack river & so up along* "s^d *river to the ffalls at Pantuckett af*^d & so from s^d Pantuckett ffalls "upon a North West Line 20 English miles into the Woods & from "thence to run upon a Streight Line North East & South West till "it meet with the *Main Rivers* that run down to Pantuckett ffalls & "Newichwannock ffalls & *the* s^d *river* to be the Bounds of the s^d "Land from the thwart Line or Head Line to the af^d ffalls the Main "Channell of *each River* from Pautuckett & Newichwannock ffalls to "the Main Sea to be the Side bounds, & the Main Sea between Pis-"cataqua River & *Merrimack River* to be the lower Bounds To-"gether with all Islands within s^d Bounds As also the Isles of Shoals "so called by the English with the appurts"

And the s^d Wheelwright & Company thereby Cov^t to begin a Plant^n at Squamscutt ffalls in Piscataqua River, to be under the Gov^t

* Printed State Papers. Vol. 1. pp. 56–60.

of the Colony of the Mass: their Neighbours & to Observe their Laws & Orders untill they had a Settled Gov^t among themselves

And the same day the s^d Wheelwright was put in poss'ion of the af^d Lands

Another Deed of Sale from the Indians to Tyng —

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 148.]

To all people to whom these Presents Shall Come Greeting Know ye, That Joseph Trask and Mattanumin, both of them Indians, and Commonly Called by such names as aforesaid Inhabitants at Weymesit, and Upward upon Merrimack River, for and in Consideration of Several Kindnesses Shewed to them in Paying Voluntarily Several Sums of money for them, to Persons to whom they were Obliged and Indebted, as also Several Sums of money that they and each of them have freely Received themselves of M^r Jonathan Tyng of Dunstable by which they do hereby Acknowledge themselves much Obliged to the said Jonathan Tyng, Have Given and Granted, and by these Presents Do fully freely Clearly and Absolutely Give Grant Alien Enfeoffe and Confirm to M^r Jonathan Tyng aforesaid and to his Heirs and Assigns forever, A Certain Tract of Land Situate and Lying on Merimack River, on the West Side of it, and on the North side of Soughegonock River and Bounded by the said Soughegonock River Southward, it begins at Merimack River, and runs up the said Soughegonock River near Four Miles upon a Common Line, which Extended near One Quarter of a Mile above Asqueanunckon Brook, to an Island of Upland Compassed about with a Slip of Meadow, where are Several trees marked and Bounded with T: from thence it runs North, Twenty Degrees Westward or near the Northwest and by North, to the full End of Ten English Miles from the aforesaid Soughegonock River, and from thence to run North Seventy and Three Degrees East, until you come to Merimack River and so Bounded by Merrimack River Easterly To Have and to Hold the abovesaid Tract of Land according to the full Extent of the Bounds thereof as aforesaid, with all the Priviledges and appurtenances to the same Appertaining, or in any wise belonging to him the said Jonathan Tyng and to his Heirs and Assigns forever, to his and their only Proper Use and Behoof (Excepting only and it is hereby Covenanted and Concluded That the said Joseph Trask and Wattanumin and their Heirs forever Shall and may at all times, and from time to time forever hereafter have free Liberty upon the Said Land of Fishing upon any Part of Merimack River by the

Side of the said Tract of Land the abovesaid Covenant Notwithstanding, AND FURTHER the said Joseph Trask and Wattanumin for themselves their Heirs and Administrators Do Covenant Promise and Grant to and with the said Jonathan Tyng his Heirs and assigns by these Presents That they the said Joseph and Wattanumin are the Proper Owners of the said Tract of Land, and that they in themselves have good Right full Power, and Lawful Authority the said Tract of Land to Give, Grant and Confirm to the said Jonathan Tyng and to his Heirs and Assigns forever, And that the said Jonathan Tyng his Heirs and Assigns forever Shall and may at all times and from time To time forever hereafter Quietly and Peaceably Have Hold Occupy Possess and Enjoy the same with all the Priviledges and Appurtenances thereof as abovesaid, with out the Lawful Let Hinderance Eviction, Expulsion, Suit or Denial of them the said Joseph and Wattanummin their Heirs Executors Administrators or Assigns of them or of either of them or of any other Person or Persons whatsoever Lawfully Claiming or having any Right Title or Interest therein or thereunto by from or under them or either of them, or by any other Lawful Ways and Means whatsoever IN WITNESS whereof the said Joseph Trask and Wattanummin have Affixed their Hands and Seals hereunto this Twenty Second Day of December in the Year of OUR LORD GOD One Thousand Six Hundred Eighty and three, and in the Thirty and first Year of the Reign of our Sovereign Lord King Charles the Second. —

Signed Sealed
and Delivered in the
Presence of.

his Mark and Seal
Wattanummin × Indian [Seal]
his Mark and Seal
Joseph × Trask [Seal]

his Mark
John + Line.
John ⌶ Thomas
Little ⩘ James Fox his Mark
Jonathan Danforth Sen^r
Thomas Hinchman
John Fiske
Jonathan Danforth jun^r
Joseph Foster.

Joseph Traske and Wattanummin Indians Acknowledged this Instrument to be their Act and Deed December 25^th^ 1683/
Before Peter Bulkley Assiss^t

Entred in the Register at Cambridge Lib^o 9, Page 23, 24 — 17. 3. 1684. by Tho: Danforth R

Entred and Recorded According to the Original this 10^th^ Day of November. 1686/

A true Copy as of Record Examined ℔
J Willard Sec'ry.

Grant from Gov^r Shute to the Town of Chester.

[In place of the abstract here entered, this charter is given in full from Masonian Papers, Vol. 4, p. 149.]

GEORGE by the Grace of God of Great Britain France and Ireland King Defender of the faith &c^a TO ALL PEOPLE to whom these presents shall come GREETING. KNOW YEE that WE of OUR especial knowledge and mere motion, for the due encouragement of settling a new plantation by and with the Advice & Consent of our Council, have given and Granted and by these presents (as far as in Us lies) do give and grant in Equal shares unto sundry of our beloved subjects, whose names are entered in a Schedule hereunto annexed that Inhabit or shall inhabit within the said grant within our Province of New Hampshire, all that tract of land, within the following bounds — (viz^t) To begin at Exeter southerly corner bounds, and from thence run upon a west & by north point two miles along Kingston notherly line to Kingston north Corner bounds, then upon a south point three miles along Kingston head line to Kingston south corner bounds & from thence upon a west north west point, ten miles into the Country; then to begin again, at the aforesaid Exeter southerly corner bounds, and run seven miles upon Exeter head line, upon a north east point, half a point more notherly, then fourteen miles into the Country upon a west north west point to the *River Merrimack* and from thence upon a streight line to the end of the aforesaid ten miles line, and that the same be a Town corporate by the name of CHESTER, to the Persons aforesaid forever, to have and to hold the said land to the Grantees and their heirs & Assigns forever & to such associates as they shall admit, upon the following conditions. —

1. That Every Proprietor build a dwelling house within three years, and settle a family therein, and break up three acres of Ground, and plant or sow the same within four years, and pay his proportion of the Town charge when and so often as occasion shall require the same —

2. That a Meeting house be built for the publick worship of God within the said term of four years. —

3. —That upon default of any particular Proprietor in complying with the Conditions of this Charter upon his part, such Delinquent Proprietor shall forfeit his share, to the other Proprietors which Shall be disposed of according to the Major vote of the said Commoners, at a legal meeting. —

4. — That a Proprietors Share be reserved, for a Parsonage another for the first Minister of the Gospel, another for the benefit of a School. —

PROVIDED nevertheless that the peace with the Indians continue dureing the aforesaid term of three years, but if it Should so happen that a war with the Indians should Commence, before the Expiration of the aforesaid term of three years; The aforesaid term of three years Shall be allowed to the Proprietors after the Expiration of the war, for the performance of the aforesaid conditions RENDERING and paying therefor to us our heirs and successors, or such other, officer or Officers as Shall be appointed to receive the same, the Annual quit rent or Acknowlegement of one pound of Good Merchantable hemp in the said Town, on the twentieth of December yearly forever. Reserving also unto us our heirs and successors all Mast trees growing on Said land according to Acts of Parliament in that behalf made & provided And for the better order rule and Government of the said Town, We do by these presents Grant for us our heirs & Successors unto the Said Men and Inhabitants or those that Shall inhabit the said Town — That yearly & Every year upon the last thursday in March forever they shall meet to Elect and Chuse by the Major part of them Constables select men and all other Town Officers according to the laws and usage of our aforesaid province for the year Ensuing with such power privileges & authoritys as other Town officers within our aforesaid Province have and Enjoy — IN WITNESS whereof, We have Caused the Seal of Our Said province to be hereunto Annexed WITNESS SAMUEL SHUTE Esq^r our Governour & Commander In Chief of Our Said Province at our Town of Portsmouth the Eighth day of May in the Eighth year of Our Reign Annoq Domini 1722. — Sam^ll Shute

By His Excellency's Command with the advice of the Council
Rich^d Waldron Cler: Con:

Copy Rich^d Waldron Sec^ry
(Loc: Sig)

Dep'cons Simon Willard & Edw^d Johnson sworn 17 May 1665. before the Gov^r & Magistrates at Boston & Attested by the Keeper of the Province Records

189 190 That Dep^t being Appointed by the Gen^ll Court of the Mass: in 1652. to lay out the Northern Line of their Patent & being then called on to give Testimony of what they did therein They Said they Covenanted with 2 Indians (well acquainted with Merrimack River & the Great Lake having been born & bred there & lived there all their days & as Intelligent as any in those Parts) to lead Dep^ts up Merrimack River so far as the River was Merrimack River — That when Dep^ts came ab^t 60 miles short of the Great Lake there came

2 rivers into one, one from the Westw^{d} of the North, & the other from the Northw^{d} of the East, but the Westerly River seemed bigger than the other — That Dep^{ts} taking notice of both Rivers & knowing they must make use of but one called the Indians to Inform them which was Merrimack River, their Ans^{r} was, the river which was next to Dep^{ts} that came from the Easterly Point, Which River Dep^{ts} followed to the Lake

To All which Deeds & Affid^{ts} the New Hampshire Com'ee Excepted & Protested ag^{t} the receiving the same as they were all transactions under the Old Ch'er — Which they were allowed to do

The New Hampshire written Evidence

How can the New Hampshire Agents reconcile this with their Obj'on to our reading anything as Evidence under the old Charter? [Marginal note.]

Then the New Hampshire Com'ee offered for Evidence a Declaration of the right of the C^{o} of the Mass: Bay which was Ordered to be rec'ed & read

[In place of the abstract here given, this document is given in full from Masonian Papers, Vol. 4, p. 150.]

A Brief Declaration of the Right and claim of the Governour and Company of the Massachusetts Bay in New England to the Lands now in their possession but pretended to by M^{r} Gorge & M^{r} Mason together with an answer to their Several pleas and Complaints in their Petitions exhibited, Humbly presented & submitted by the s^{d} Governour and Company To the Kings most Excellent Ma^{ty} as their defence

In the yeare of our Lord 1628. in the third year of his late Ma^{ty} Charles the first of happy memory several Loyal & piously disposed Gent^{n} obtained of the Great Council of New England A Grant of a certain Tract of Land lying in New England, described and bounded as therein expressed, which was in all respects fairly and openly procured, and with so good an intent of propagating the Gospel among the Natives, and to advance the honour and dignity of his late Ma^{ty} of happy memory that they were bold to Supplicate his said Ma^{ty} to superadd his Royal Confirmation thereto which accordingly in an ample Royal Charter was passed, and remains under the broad seal of England March the 4th 1629. in the fourth year of his Ma^{tys} Reign, with further addic'ons and enlargements well becoming so Royal a Majesty and suteable for the Encouragem^{t} of so hazardous

and chargeable an adventure. In pursuance whereof Many of the s^d^ Patentees & other Adventurers transported themselves & Estates, and setled in the most known and accommodable parts of those Lands contained in the s^d^ Charter, neither time Estate nor power suffering them speedily to survey the just extent of their Limits. Not many years different in time several others also of his Ma^tys^ subjects obtained other Grants & made several settlements in the more Northern & Easterne parts of the Countrey. With whom for several yeares we had neighbourly Correspondence, being as they supposed without the Limits of our Patent, amongst whom the present Claimers & Petitioners were. These Grants, partly by reason of the smallness of some of them, and partly by reason of the darke involv'd & dubious expression of their Limits brought the Inhabitants under many intanglem^ts^ and dissatisfactions among themselves, Which (there being no setled authority to be applied to, being deserted and forsaken of all such as by virtue of s^d^ Grants did claim Jurisdiction over them, and had made a successless Essay for the settlement of Government among them), proved of some continuance, unto the great disquiet & disturbance of those his Maj^tys^ Subjects that were peaceable and well disposed amongst them, To remedy which inconvenience they betook themselves to the way of Combinations for Governm^t^, but by experience found it Ineffectual. In this time, Ignorance of y^e^ Northerly running of Merrimack River hindred our actual Claim and Extension of Government, Yet at length being more fully setled, and having obtained further acquaintance & correspondency with the Indians possessing y^e^ uppermost parts of that River, encouraging an adventure, as also frequent Sollicitations from y^e^ most considerable Inhabitants of those Eastern parts earnestly desiring us to make proofe of and assert our Interest We imployed the most approved Artists that could be obtained who upon their Solemn Oaths made Returnes That upon their certain Observation Our Northern Patent Line did extend so far North as to take in all those Towns and places which we now possess, which when the Inhabitants as well as our selves were satisfied in (urged also with the necessity of Government amongst them) they peaceably and voluntarily submitted to y^e^ Governm^t^ of the Massachusetts Viz^t^ Dover, Squamscot and Portsmouth Anno 1641. Kittery, Yorke & Wells Anno 1652 & 1653. From which times until the year 1662 when there was a small interruption by a Letter of M^r^ Gorge, and afterwards in the year 1665. (when his Ma^tys^ Commissioners Colonel Nichols & others came over) the Inhabitants of those parts lived well Satisfied & uninterrupted under the Massachusetts Governm^t^. But then the s^d^ Commissioners neither regarding y^e^ Massachusetts just

right, nor the Claims Of Mr Gorge and Mr Mason setled a new forme of Government there, but this hardly outlived their departure, the People impatient of innovac'ons & well experienced & satisfied in their former settlemt quickly and quietly returned to Order again and so continue unto this time THIS is in a few words the true state of the matter For the further Illustration whereof, & Justificac'on of our proceedings therein, and vindication of our selves from the reproachful imputation of usurping authority over his Matys subjects in the Easterne parts pretended to, with other Scandals cast upon us by the Petitioners WE humbly present the following pleas by way of demonstration, & Argue.

1 — That our extension of Governmt to those Eastern parts claimed, is agreeable to our indubitate Patent Right. Our Patent according to the express termes therein contained ; without any ambiguity or colour of other Interpretation, lyes between two East & West paralel Lines drawn from the most Southerly part of Charles River, and the most Northerly part of Merrimack, with three miles advantage upon each, which upon the observation of men of approved & undoubted truth upon Oath are found distant one degree & 49 minutes North Latitude being to extend in full Latitude and breadth from Sea to Sea (ut in terminis) and therefore cannot be bounded by many hundreds or infinite numbers of Lines as the River of Merrimack maketh bends or angles in two hundred miles passage from Winipoisekek Lake to the mouth thereof, which to imagine, as it is irrational, So would it involve us and any borderer into so many inextricable disputes as are by no wayes to be admitted by a Prince Seeking his subjects peace. Besides were Such a Construction allowable (which wth uttermost streining is) yet all favourable Interpretation is to be afforded the Patentees by the gracious expression of the Charter. NOW according to the afore mentioned Observation (so confirmed) all those Eastern Plantations challenged by our Opponents (ut Supra) are comprehended within our Northernly Line We deny not but the Artists of their Selves, and if any question thence arise We feare not to submit to Tryal to ye most exact & rigorous Test that may be

The invincible Strength of this our first plea may further appear by the consideration of the frivolous & insignificant Allegations of the Petic'oners in opposition thereunto. Vizt 1st the nonextension of our Line, or Assertion of our Right to those Eastern parts for some years, ignorance as our Case was circumstanced, debarring no man of his just right, neither can it reasonably be supposed that the exact Survey of So large a Grant in So hideous a Wilderness possessed by an Enemy, would be the worke Of a few yeares, our own poverty not

affording means, & our weakness (allowing no deep Adventure into the Country) permitting us not to view the favourable running of the River which none can imagine altered its course by our delay. We may as well be deprived of far more than we possess or ever Saw on our western parts to the South Sea (which none will deny) because we have not surveyed it or are soon like to be able, as be taken from our Northern right So obvious to the meanest artist.

2ly The possession house in Hampton of So little Significac'on and so long Since disused that Mr Mason hath forgot the name thereof, and calleth it bound house, erected to give the world to know that we claimed considerably to ye Northward of our then Habitations upon the Bay, though we did not know the uttermost extent of our right, Our Fathers not being So ignorant of the Law of the Realme to which they did appertain, as to suppose the taking possession of part did debarr them of the remainder but the contrary. And We challenge Mr Mason or any on his behalfe, promising our Records shall be open to the most Scrutinous search to prove it either called or intended according to his abuse thereof

3dly That notorious falshood of stretching our right to near four hundred miles North and South more than formerly we were satisfied wth, our whole breadth being but one hundred and nine mile which is not much more than a quarter part of what he would have the world believe our new Claime and (as he would insinuate) usurped Territory doth contain, Arising (we would charitably believe) partly from ignorance of the Coasting of the Countrey. Mr Mason acquainting by the sea side, and we Suppose casting in the measure of every harbour and Cove to make up that Calculation, which lies much of it due East, and not to the North but we fear malevolently suggested (as many other things as of little Credit) to introduce into his Matye his Royal breast a belief that we are unreasonable in our pretensions, and So unworthy of his Matys favour which we hope such unlawful Endeavours will never be so prosperous as to obtain What may be further added to this our first plea may be supplied from the Reasons formerly presented. We urge

Secondly, The Invalidity of those Grants pretended to by the Petitioners, which are of two sorts, 1st Such as beare date after ours which we see no reason to feare any interruption from Secondly Such as are pretended to beare date Before ours, Against which We object that they are not authentick wanting a sufficient number of Granters to make them So. None of them (as we presume will appeare upon Tryal) having above Six hands and seales annexed to them, the sd Council of New England consisting of forty, and his Matys Grant to them expresly requiring (as we are informed) seven at

the least to signe to make any valid act And indeed M^r^ Masons own often unwearied renewal of his Grants in 1621 sixteen hundred twenty two, sixteen hundred twenty nine and 1635 (as he saith) tacitly confesseth the same; invalidity in the former putting him to charge for the latter till at last he fell into such a Trade of obtaining Grants that his last and most considerable, was six years after the Grant of our Charter, from his Ma^ty^ and but three dayes before the s^d^ Councils declaration of their absolute resolution to resign, and but a few dayes before their actual Surrender, as he asserts, Which of what value & consideration it is from the S^d^ Council circumstanced under a necessity of resignation of their great Charter procured rather by the clamour of Such ill affected persons as the present Complainant than by any true Accompt of dissettlement or ill management here, is not difficult to judge. Hence it appears First how little Reason M^r^ Mason hath to brand us with fraud or surreptitiousness in obtaining our Charter; which hath most shew of Fraud and surreptitious procuration, a sufficient number of those hon^ble^ persons subscribing ours, & fewer his pretended antidated Grants, is easie to determine. In which assertion is to be observed the high reflection cast upon the Members of his late Ma^ty^ and Ministers of State, groundlesly rendring the Councils Seal yea the great seal of England exposed to fraud, and deceitful clandestine practices. Yea upon his present Ma^ty^, insinuating himselfe better acquainted with matters of State than he who allows and confirmes our Grant as authentick by his gracious Letter of sixteen hundred sixty two which intolerable boldness how unbecoming, (not to say more) in a Subject it is not easie for us to Say, To all which We may add S^r^ Ferdinando Gorges Application to the authority here to interpose in his affair, Which he, being one of the great Council, would have been far from acknowledging, had M^r^ Masons allegations been founded upon Truth. Secondly That Articles of Charge depending upon such illegal and post dated Grants cannot take place against us were their Disburse as great as it is affirmed Which by Eye witnesses upon the place and stil living are proved comparitively very inconsiderable. 3^ly^ We affirme That the whole managem^t^ of the affair respecting our Goverm^t^ of those Eastern parts, was in an orderly and peaceable way, and not without y^e^ reiterated and earnest sollicitation of most of the People there inhabiting, Sufficiently appearing by their Several Petitions, And we challenge M^r^ Gorge and M^r^ Mason by any living Evidence or Record to shew any signe of a forceable Entrance Some Magistrates upon y^e^ clearing of our right to them, and acceptance of the tender of themselves to us, being sent thither without any other force than each of them a servant to attend them Indeed Some years after Cap^t^ Boni-

ton for mutinous carriage was seized & brought to Justice, concerning which & many other cases many Inhabitants yet living, and Eye Witnesses can give in the most impartial Evidences — 4ly We offer to Consideration that the deserted and ungovern'd state of the People of those places, had we not had that Patent Right So clearly evinced, might warrant our acc'ons Especially considering the Obligation upon us to secure his Matys honour and maintain ye publick peace So hazarded by the total want of Government amongst them — Our first Exercize of Jurisdiction being in the year 1641 eight year after Capt Neale Agent for Mr Mason had wholy deserted the improvemt of Land and the Governmt of ye Country, which, indeed, he never used but one year for in the year 1630. he first came over and in the year 1634. he quitted the place and in the interim neglected the Same in making a Voyage for England, the short time of his tarriance not admitting of settlemt of Government or improvemt We may hereto subjoin that Mr Joseph Mason Agent for Mrs Ann Mason, when here and all things were fresh in memory, made no demand contrary to what is affirmed but petitioned our Justice against his Debtors there & elsewhere And That Sr Ferdinando Gorges his Grant being So mean & uncertainly bounded that he knew not well how to find, much less to improve it to considerable advantage, by his Letter bearing date . . . . . doth devolve the whole charge, and care of his pretended Province upon the authority here established, LASTLY. That the Exercise of Jurisdiction in those Eastern parts hath been and is his Matys honour, the peoples great benefit, and our Charge without profit, which had it not been ; the ruine of those parts would have unavoidably ensued in ye want of all Government, and their Seizure by the French, who ever waited a fit opportunity for the same. They have part of them for thirty[five yeares and others twenty yeares (Some small interruption intervening, producing the stronger inclination & resolution in them to be constant to his Matys authority here) lived under the Governmt of the Massachusets ; a quiet, well ordered & thriving people, And as for any Complaint from ill affected persons, It is well known that the best and wisest Government is not without disquiet from some such And no wonder if silly people are soon affected with such fair, glowing promises as Mr Mason hath made & published, as it were determining the Case before Tryal by his late Letters to the Inhabitants in those parts And that our Governmt in those places have been no gain is So unquestionable a Truth that never was any Levy laid upon them for the Supply of the publick Treasury, thô much hath been and is further like to be expended for their Security, who otherwise will inevitably become an easie prey to the heathen now in hostility with us, and at this present time rageing in those parts.

The beforewritten is a true Copy transcribed from the Records of the General Court of the late Colony of the Massachusetts Bay, held by the Governour & Company of the s[d] Colony, at Boston the 6[th] of September 1676.

Exam[d] ℔ Is[a] Addington Sec'ry./

201. The New Hampshire Com'ee then Produced the Order in Council for the Att[r]y & Sol[r] Gen[ll] to Prepare a Draught of this present Comm'on for Settling the Bounds between the 2 Provinces, Which was rec'ed & read & as is follows

Order in Council *

9 Feb'ry 1736 — By Order in Council of this date reciting the Reports of the Lords of the Com'ee of 4 same Month Whereby their Lopps Propose sev[ll] Directions as proper to be incerted in the present Comm'on (Which are accordingly incerted therein, & to the end that all ℔ties might be prepared to proceed before the Comm[rs] at their first Meeting Their Lopps Proposed That L'res might be wrote by the Board of Trade to the Gov[t] of the Mass: Bay & New Hampshire to recommend to the resp'ive Councils & Assemblys of the s[d] Provinces to Appoint 2 of their Publick Officers residing in the s[d] Province on either of whom any Summons's or Notices might be served, the names & places of abode of such Officers to be sent to such Comm[rs] at their 1[st] Meeting with a full State of their Demands Describing where & in w[t] places the Boundaries on the Southern & Northern part of New Hampshire ought to begin & w[t] Courses & how far the same ought to run resp'ively, & to acquaint them that in case they omitted so to do the Comm[rs] were Empowered to proceed Ex℔te — The Att[r]y & Sol[r] Gen[ll] were Ordered to Prepare & Lay before his Ma'tie a Draught of a Comm'on with the sev[ll] Clauses ment[d] in the s[d] Report & such others as might be necessary in a Comm'on of this m're & might tend to the better carrying his Ma'ties Intention into Execution, & such L'res were likewise Ordered to be sent by the Board of Trade.

208 — The New Hampshire Com'ee also Produced a Copy of the Opinion of the Att[r]y & Sol[r] Gen[ll] (M[r] Willes & M[r] Ryder) taken from the Plant[n] Office referring to the Commencem[t] of one of the Boundary Lines between the 2 Provinces Which they Prayed might be rec'ed & read & Entred, & the same was read but the Mass: Agents Excepted thereto, & after hearing argum[ts] on both sides the Court deferred the cons: thereof till the next morning

* Given in full at the beginning of these proceedings, p. 277.

[*Report of Willis and Ryder*, 1735/6.]

[Mss. Prov. Boundaries, p. 81.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations

May it Please your Lordships

In obedience to Lordships commands Signified to us by m^r^ Popples letter of the 8^th^ march 1733 and the 5 Jan^r^ last, wee have considered the Question which you was pleased to propose to us —

From what Part of Merrymack River the three Miles from whence the dividing lines Between the Provinces of Newhampshire and the Province of the Massachusets Bay is to begin, ought to be taken according to the intent of the Charter of W^m^ & Mary

And wee have been Several times attended by the Council and agents of Both Provinces —

The Council for Newhampshire offered Several arguments to prove, the dividing line ought to be taken from three Miles North of the mouth of Merrymack River.

The Council for the Massachusets Bay, would not Say what it was they insisted on, or give any answers to what had been urged by the Council of the other Side, But declared that in their opinion the question which was propos'd to us would not Determine the Matter in Dispute and therefore they tho^t^ it unnecessary to Say any thing upon it

Whither this be So or not, wee are not able to Judge. But as to the question which is refer'd to us —

Wee are of opinion

That the dividing lines Between the Provinces of Newhampshire and the Province of the Massachusets Bay, is to be taken according to the intent of the Charter of W^m^ & Mary, from three Miles North of the Mouth of Merrymack River where it runs into the Atlantick Ocean —

Which is humbly Submitted to your Lordships

18 March 1735/ J Willis

Copia — D : Ryder

30 Aug^t^ 1737 — When they Ord^d^ that the Paper containing the Op'ion as entred yesterday sho^d^ lye on the Table for further cons :

They then Produced a Copy of a Writt & Judgm^t^ of the Sup'ior Court of Judicature of the Massachusets Which were read & are to the foll effect Viz^t^

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 151.]

Essex ss

[Seal] GEORGE the second by the Grace of God of Great Britain France & Ireland King Defender of the Faith &c —

To the Sheriff of our County of Essex }
his Under Sheriff or Deputy Greeting }

We Command you that you summon James Adams of Haverhill in our County of Essex Husbandman (if he may be found in your Precinct) to appear before our Justices of our Inferr Court of Common pleas next to be holden at Salem within & for our sd County of Essex on the second Tuesday of July next then & there in our sd Court to answer unto Thomas Carlton of Bradford in our said County of Essex Millwright In a plea of Trespass & Ejectmt for that the Deft hath Entred into and unjustly withholds from the plt the Possession of a Tract of Land lying in Haverhill aforesd Containing by Estimation One hundred and eighty Acres & bounded as followeth vizt by a white Oak tree marked with A : J : standing in the Town Line & from thence running East One mile to a small white Oak Tree Marked with A : J : from thence running North Ninety poles to a white Oak Marked with J : C : from thence running West to a Black Oak marked J : C : standing in the Town Line from thence running in the sd Town Line ninety poles to the Boundary first mentioned. For that Whereas the plt and Ebenezer Carlton and Aaron Carlton, Benjamin Carlton, Nehemiah Carlton, Nathl Carlton, Elizª Carlton Junr & Abigail Carlton Junr Daniel Jaques junr, & Hannah his Wife in right of his sd Wife on the fourteenth Day of January Anno Domini seventeen hundred & sixteen were seized of the sd Premisses In their Demesne as of Fee taking the Profits thereof to the Value of Twenty Shillings ℔ Annm And on the twelfth Day of September Anno Domm seventeen hundred and twenty seven the sd Daniel Jaques And Hannah his Wife in Right of the sd Hannah being seized as aforesd by their Deed of that Date in Court to be produced conveyed their Share therein to the sd Ebenezer & his heirs and afterwards on the thirteenth Day of February Anno Domm seventeen hundred & twenty seven the sd Benjamin, Nehemiah, Nathaniel, Elizabeth, & Abigail being seized as aforesd by their Deed of that Date in Court to be produced conveyed their Share thereof to the sd Ebenezer & his Heirs & afterwards on the twenty third Day of May Anno Domm Seventeen hundred & thirty one the sd Aaron being seized as aforesd by his Deed of that Date in Court to be produced conveyed his Share in the said Premisses to the sd Ebenezer & his

heirs and afterwards on the seventeen Day of June Anno Dom^{i} seventeen hundred & thirty one the s^{d} Ebenezer being seized in his Demesne as of Fee of his part of the s^{d} Premisses and of the several Shares by him purchased as afores^{d} by his Deed of that Date in Court to be produced Conveyed the same to the pl^{t} & his heirs who thereupon hath good right to the Premisses afores^{d} & ought to be in the Possession thereof Yet the Def^{t} has Entred into the same and unjustly holds the pl^{t} out to the Damage of the s^{d} Thomas Carlton (as he saith) the Sum of two hundred Pounds which shall then and there be made to appear with other due damages & have you there this Writ with your Doings therein WITNESS John Appleton Esq^{r} at Salem the seventh Day of June in the sixth Year of our Reign ANNOQ Domini 1733.

Mitchel Sewall Cler

s^{d} Adams appeared at the s^{d} Court & for plea says that this Court can have no Cognizance of the Cause & Matters herein Contained for that the Lands are in another Province Viz^{t} the Province of New Hampshire & therefore not triable here which plea if adjudged against the Def^{t} he prays the matter may be continued over to the next Court in order to vouch in One James M^{c}Neal of whom the Def^{t} purchased

The Def^{t} saving his pleas as on File pleads not Guilty in Manner & Form and of this puts himself on the Country.

R: Auchmuty ℔ Def^{t}

Endorsed/ Thomas Carlton Bollan Att^{y} ℔ Quer^{t}

Essex ss Haverhill June y^{e} twenty second Day 1733 —

By Vertue of this Summons I have summoned the within named James Adams to appear at Time & Place within mentioned by leaving Attested Copy of this Summons at his place of Abode with his Daughter

Nath^{l} Peaslee Und. Sheriff

A true Copy Attest Mitchel Sewall Cler

A true Copy Exam^{d} ℔ Benj^{a} Rolfe Cler

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 152.]

Province of the Massachusetts Bay } ANNO Regni Regis Georgii Secundi Magnae Britaniæ Franciæ et Hiberniæ Septimo

AT His Majesty's Superiour Court of Judicature begun and held at Ipswich within and for the County of Essex on the Second Tuesday of May being the fourteenth Day of the s^{d} Month Annoq Domini 1734 —

Thomas Carlton of Bradford in the County of Essex Millwright Appl^{t} versus James Adams of Haverhill in the s^{d} County of Essex Husbandman App^{lee} From the Judgment of an Inferiour Court of Common Pleas begun and held at Newbury for and within the County of Essex on the last tuesday of September last past when and where the App^{lt} was Plt and the App^{lee} was Deft In a Plea of Trespass and Ejectment For that the Def^{t} hath entred into and unjustly withholds from the pl^{t} the Possession of a Tract of Land lying in Haverhill afores^{d} Containing by Estimation One hundred and Eighty Acres and bounded as followeth viz^{t} By a white Oak Tree marked with A: J: standing in the Town Line and from thence running East One Mile to a small white Oak Tree Marked with A: J: from thence running North Ninety poles to a white Oak marked with J: C: from thence running West to a black Oak marked J: C: standing in the Town Line from thence running in the s^{d} Town Line Ninety poles to the Boundary first mentioned. For that whereas the pl^{t} and Ebenezer Carlton, and Aaron Carlton, Benjamin Carlton, Nehemiah Carlton, Nath^{l} Carlton, Eliz^{a} Carlton jun^{r}, & Abigail Carlton jun^{r}, Daniel Jaques jun^{r}, & Hannah his Wife in right of his s^{d} Wife on the fourteenth Day of January Anno Domini seventeen Hundred and sixteen were seized of the s^{d} Premisses in their Demesne as of fee taking the Profits thereof to the Value of twenty Shillings ℔ Ann^{o} And on the twelfth Day of Sept^{r} Anno Domini Seventeen hundred and twenty seven the said Daniel Jacques And Hannah his Wife in Right of the s^{d} Hannah being seized as afores^{d} by their Deed of that Date in Court to be produced Conveyed their Share therein to the s^{d} Ebenezer and his Heirs and afterwards on the thirteenth Day of February Anno Domini seventeen hundred and twenty seven the s^{d} Benjamin, Nehemiah, Nathaniel, Elizabeth and Abigail being seized as afores^{d} by their Deed of that Date in Court to be produced Conveyed their Share thereof to the s^{d} Ebenezer & his heirs and afterwards on the twenty third Day of May Anno Dom^{o} Seventeen hundred and thirty one the s^{d} Aaron being seized as afores^{d} by his Deed of that Date in Court to be produced Conveyed his Share in the s^{d} Premisses to the s^{d} Ebenezer and his Heirs and afterwards on the seventeenth Day of June Anno Domini Seventeen hundred & thirty one the s^{d} Ebenezer being seized in his Demesne as of Fee of his part of the s^{d} Premisses and of the Several Shares by him purchased as afores^{d} by his Deed of that Date in Court to be produced Conveyed the same to the plt and his Heirs who thereupon hath good Right to the Premisses, and ought to be in the Possession thereof yet the Def^{t} has entred into the same and unjustly holds the pl^{t} out to the Damage of the s^{d} Thomas Carlton (as he saith) the Sum of Two hundred Pounds. At which

said Inferiour Court Judgment was rendered for the said James Adams to recover against the s^d^ Thomas Carlton Costs of Court This Appeal was Commenced at the Superiour Court of Judicature held at Salem within and for the County of Essex on the last tuesday of October last past and from thence Continued to this time, both partys having agreed that the merits of the Cause should now be tryed and no pleas of Abatement Insisted on. And now both partys appeared and the Cause after a full hearing was Committed to the Jury who were Sworne according to Law to try the Same and returned their Verdict therein upon Oath THAT IS TO SAY They find for the App^lt^ Reversion of the former Judgm^t^ the Land Sued for and Cost of Courts IT'S THEREFORE CONSIDERED BY THE COURT That the former Judgm^t^ be and hereby is reversed and that the said Thomas Carlton shall recover against the said James Adams the Possession of the Land and Premisses Sued for and Cost of Courts taxed at twenty pounds, fourteen Shillings & Six pence — 2 Jury

Writ of Facias Hab : poss'ionem issued 8^th^ June 1734
a true Copy as Appears of Record Exam^d^ ℔

Benj^a^ Rolfe Cler

THE MASSACHUSETTS WRITTEN EVIDENCE IN REPLY

The Mass : Com'ee Produced & read the ffoll Address to King Charles the 2^d^ in 1678 from the Gov^r^ & C^o^ of the Mass :

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 153.]

At a General Court for Election held at Boston the 8^th^ of May 1678 —

TO THE KINGS MOST EXCELLENT MAJESTY

The humble Petition and Address of the Governour and Company of Your Majestys Colony of the Massachusetts in New England Humbly Sheweth

That Whereas your said Petitioners have since your Majestys most happy Restoration upon their Several Addresses in the Years 1661. 62. &c Received Many Signal and Gratious returns of favour Confirmation of our Charter, pardons of our Errors, Assurance of your Royal inclination to promote the trade and happyness of this Plantation) proceeding only from your Royal goodness which hath highly obliged us to all due acknowledgements thereof as We have had Op-

pertunity and We Shall for future at no time Omit to manifest (according to Our Capacity) our hearty and Sincere affection to your Majestys Service and Interest as in duty We are bound, and therefore most humbly Implore the Continuance of these gratious Influences whereby your Poor Subjects here have been So much refreshed in their Great Sufferings and distresses, and that your Majesty According to your Innate wisdom & goodness will receive no Impressions from any that for their own evil ends shall endeavour (by false and mistaken Reports) to represent Us as affecting and Aspireing to a greatness Independant on your Majestys Sovereignaty over Us or Incompetable with the duty of good and Loyal Subjects to a Most Gratious King in whose prosperity — We most heartily rejoyce, And for which We daily pray, In humble Obedience to Your Majestys Command In Seventy Six We dispatched our good friends, M^r^ William Stoughton and M^r^ Peter Bulkley to Attend your Majestys Pleasure Concerning the Bounds of Our Patent in reference to M^r^ Gorges and M^r^ Masons wherein as We have been Informed your Majesty hath declared your Pleasure as to the Settlement of the bounds of Our Patent, and our Right of Government therein according to our Charter which is matter of Great Satisfaction to all your good Subjects here it being their utmost ambition to enjoy under your Royal Protection and allegiance the known and declared ends of the first Undertakers which hath hitherto been Carried on att their own Charge both formerly & lately Defended by a greater Expence of Blood and Treasure than will easily be believed — whereof they Cannot but desire to reap the fruits which they assure themselves they may without any diminution of your Majestys Greatness Dominion or Glory which with your Majestys Pardon we are bold to affirme will not be Advanced by any Innovation or alteration of our present Settlement —

We humbly Supplicate that our Messengers having dispatched the business betrusted with them by Us and Commanded to Attend by Your Majesty may be at Liberty to return and not be Obliged to make Answer to Such Complaints as are made by unquiet Spirits, who Seek not your Majestys but their Own Advantage and our Distress, And what shall be Incumbent on us we Shall with all dutifullness attend as becomes good Christians, And Loyal English Subjects, and Shall Glory in giving your Majesty all Just Satisfaction, not insisting on any Erata' that may have Slipped Us in forty eight years especially in our Infancy or in the time of the late Confusions, for which (as we have had) we again most humbly Implore your Majestys most Gratious Pardon which will further oblige us for the future to be most observant of your Royal Pleasure, as to your Es-

tablishment of Us according to the Charter granted by your Royal Father and Confirmed by your Royal Self upon Several Occasions —

Let your Majesty be Pleased to accept from our Messengers aboves[d] an Account of our ready Obediance to your Majestys Command for taking the oath of Allegiance in the forme prescribed And our repealing that Law referring to the Oath so Ill resented by your Majesty with Some orders M[r] Attorney and M[r] Solliciter excepted against Us our messengers have Intimated, we might recount the Particulars and present our further desires, but fearing we have been too tedious to detaine Your Majesty from your more Important affairs. And not being in a present Capacity to manifest our Gratitude by a Suitable Acknowledgement of your Constant goodness, by reason of the Great Disolations Great Charges and debts Contracted and yet remaining upon Us by the late Insurrection and outrages of the Indians We prostrate at your Majestys feet and humbly begg the Acceptance of the Loyal hearts —

Your Majestys most humble Subjects & Supliants The Governour & Company of the Massachusetts Colony in New England —

A true Copy as of Record
Examined ℔ J Willard Sec'ry

Decl[n] of Mass: showing their complyance with King Charles's Order in Counc in 1677

216 — The Mass: then Produced a Decl[n] of their Gen[ll] Court in 1679 — Which was read to the ffoll effect

[In place of the abstract here entered, this vote is given in full from Masonian Papers, Vol. 4, p. 154.]

At a General Court held at Boston 5 Octob[r] 1679

This Court doth hereby Declare that all Commissions that have been formerly granted by the Collony of the Massachusetts to any person or Persons that live in the Town of Hampton Exeter Portsmouth & Dover are hereby withdrawn, & as to any future made void & of none Effect —

A true Copy as of Record
Examined ℔ J Willard Sec'ry

They then read an Extract of a Paragraph out of Gov[r] Dudley's Comm'on for the Gov[t] of New Hampshire to the foll effect

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 155.]

Extract of a Par[a] or Clause in Gov[r] Dudleys L[rs] Pat[s] from Q[n] Anne dated April first, in the first year of her Reign to be Gov[r] of All that p[t] of New Hampshire therein described

"And We do hereby likewise give & and grant unto you full "power & Authority by & with ye advice of Our sd Council to agree "with the Inhabitants of Our Province & Territories aforsd for Such "Lands Tenemts & hereditaments as now are or hereafter shall be in "our power to dispose of & them to grant to any person or persons "for Such Terms & under such moderate Quit Rents services & "Acknowledgments to be thereupon reserved unto Us as you by & "with the advice aforesd shall think fit, which sd Grants are to "pass & be Sealed by our seal of New Hampshire and being "Entred upon Record by such Officer or Officers as you shall ap-"point thereunto shall be good & Effectual in Law against Us our "heirs & Successors. —

A True Copy of the aforesd Paragraph or Clause taken from the Original and Compared.

℔. Benja Rolfe Cler.

221 — They also Produced the Ch'er or Patent of King Charles the 1st to Sr fferdo Gorges, Part of which describing the Bounds they Desired might be read — The Com'ee of New Hampshire Excepted agt its being read in Evidence in this Case, & after hearing what each ℔ty had to offer The Court ordd the Clerks to transcribe a true Copy of that Paragraph in the sd Patent which contd the Bounds of the Lands thereby granted — & is in the words foll Vizt

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 156.]

An Extract of a Paragraph or Clause out of King Charles Patent to Sr Ferdinando Gorges for the Province of Main dated 3 of Apr. in ye 15th Year of his Reign

All that part purpart & portion of the Main Land of New England aforesd beginning at the Entrance of Piscataqua Harbour & So to pass up the Same into the River of Newichwannock & thro' the Same unto the furthest head thereof, & from thence Northwestward till one hundred & twenty Miles be finished. And from Piscataqua Harbour mouth aforesd North Eastward along the Sea Coast to Sagadahock & up the River thereof to Kennebeque River & thro' the Same unto the head thereof & into the Land North Westward until one hundred & twenty Miles be Ended being Accompted from the Mouth of Sagadahock & from the Period of one hundred & twenty Miles aforesd to Cross over Land to the One hundred & twenty Miles end formerly Reckoned up into the Land from Piscataqua Harbour thro' Newichwannock River, And also the North half of the Isles of Shoals to-

gether with the Isles of Capawocke & Nautican near Cape Cod as also all the Islands & Islets lying within five Leagues of the Main all along the afores[d] Coast between the afores[d] Rivers of Piscataqua & Sagadahock with all the Creeks Havens & Harbours thereunto belonging and y[e] Reversion & Reversions Remainder & Remainders of all & Singular the Said Lands Rivers & Premisses.—

A true Copy of the Said Paragraph or Clause Compared with the Original ℔ W[m] Parker Cler.

THE NEW HAMPSHIRE WRITTEN EVIDENCE BY WAY OF REJOYNDER

Order made by New Hampshire to Prohibit Settling Lands near Pennicook *

222 — The New Hampshire Com'ee Produced the foll Order of the Gov[r] & Council of their Province Viz[t]

10 April 1726 — At a Council then held at Portsmouth by the Lieut[t] Gov[r] & Council It being reported to the Board That in ℔suance of a late Vote of the Gen[ll] Assembly of the Mass: Sundry ℔sons were going or gone to lay out take poss'ion of & Settle on some of his Ma'ties Lands within the limits of New Hampshire at or near a place called Pennicook, which was not only with[t] the consent of their Gov[t] but unjustifyable & tended to the destroying of the Mast Trees fit for his Ma'ties Service that might be growing thereon Which they the s[d] Lieut[t] Gov[r] & Council of New Hampshire co[d] not pass by with[t] bearing testimony ag[t] it It was therefore Ord[d] That a Com'ee in behalf of that Gov[t] sho[d] immed repair to s[d] Pennicook & forewarn any ℔sons whom they might find there or thereab[ts] from laying out taking poss'ion or Settling at or near Pennicook or presuming to appropriate any other of his Ma'ties Lands within that Province till they sho[d] have the countenance of the Gov[t] of New Hampshire for so doing & to direct them in an amicable way forthwith to withdraw themselves from the s[d] Lands

Evidence Closed

223 — Then Both ℔ties Declared they had no ffurther Evidence to offer unless it sho[d] be occasioned by something that sho[d] be started by the adverse ℔ty — And then the Court Adjourned to the next morning

31 Aug[t] 1737 — The Court accordingly met & took under cons: the Question Whether the Opinion of the Att[r]y & Sol[r] Gen[ll], where the Dividing Line between the 2 Provinces ought to begin, sho[d] be read & made part of the Record — And after debating the m're the

Printed, State Papers, Vol. IV. p. 11.

Presid[t] put the Question & the Court were Divided in Opinion, & the same was ord[d] to be returned to the [illegible]ty who produced it with the reason it was not rec'ed

224 — Then the Com'ees of both Provinces Presented their Replys in writing to each other, which were read to the foll effect

New Hampshire Reply to Massachusetts Claim

[Instead of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4, p. 158.]

Prov. of N. Hamp[r] } To the Hon[ble] His Majesty's Commission[rs] for Setling the Boundary Lines between the Provinces of New Hampshire & the Mass[a] Bay —

A Reply to the Answer of the Province of the Mass[a] Bay to the Demands & Pretensions of the Government of New Hamp[r] Exhibited by the Agents of the Province of the Mass[a] Bay — which is Presented by us the Subscribers in behalf of His Majestys Government of New Hampshire

Having Moved for & obtained leave of Your Honours to Exhibit any further or other answer to the Demands & Pretensions of the Province of the Mass[a] Bay, as also a Reply to their Said Answer, And as being the Original Complainants we Claim it is our Right to Close & Shut up the Arguments on this Controversy — Do therefore further Say, in the first Place That the Province of the Mass[a] Bay ought to be Deemed & held to Contend as well with His Majesty as with His Province of New Hampshire in the Present Controversy, for that the Said Prov. of the Mass[a] Bay have Encroached on the Kings Lands, & Extended their bounds far beyond the Just & Legal Limits of their present Charter, & have made many grants of Lands belonging to His Majesty & in this Province of New Hamp[r] And have from time to time usurp'd Jurisdiction over a Great part of the Province of New Hampshire by trying the Title of Lands in the Courts held in & for the County of Essex in the Province of the Mass[a] Bay, which Lands, lay above Seven Miles & Some above ten Miles from the River Merrimack ; And Yet in their Present Demands they Say their Line ought to Run Parallel with the River at the Distance of three Miles, So that 'tis plain they have Exercis'd a Jurisdiction, (by trying the title of those Lands,) without the Limits of their Government —

Now the Province of New Hampshire being under His Majestys Immediate Government & the Right to the Lands being Immediately in him of whom Every Proprietor holds the Same Directly, the

Present Controversy is properly between His Majesty on the One part only, & the inhabitants of the Prov. of the Mass[a] Bay on the other part, who have the Right to the Soil as well as Government of their Province. So that there is no grounds for their distinction which they make, by Saying they ought not to be held to contend with His Majesty, but with the Province of New Hampshire only — besides were there any Difference between His Majesty's Lands & those belonging to the Province of N. Hamp[r] the Government of New Hamp[r] being His Majesty's Immediate Governm[t] as aforesaid, have a Right by virtue thereof, & ought in duty to prevent if they Can, any Incroachm[ts] on the King's Lands, that lye nearer to them than to any other Governm[t] Immediately under his Majesty, and therefore may well Appear in His Majestys behalf & Demand a Settlement of the boundarys between His Lands & those belonging to the Prov. of the Mass[a] Bay. —

2 As we find the Prov. of the Mass[a] in their Answer to Our Demands as well as in *their* Demands, Insist on that Judicial Determination before K. Charles the 2nd in 1677 as being final & Conclusive of the present Controversy, & that they have thereby an undoubted Right to Extend their Limits agreeable to the Lines they have described in their Said Demands — We would beg leave to add to what we have Said in Our Answer, on that head, That His Excellency when he was Appointed Governor of these Provinces, Obtain'd an Instruction from His present Majesty, to lay the affair of the Lines before the Respective Assemblies of the Said Provinces, that they might make Choice of proper Persons to Adjust & Settle y[e] Same — Pursuant to which the Gen[l] Courts of the Said Provinces Enacted Laws which they thôt proper & pertinent to the Occasion — That, pass'd by the Gen[l] Court of the Mass[a] is now Extant among their Laws, & is Entitled, *An Act fully Impowering Commiss[rs] to Determine the bounds between this His Majesty's Province of the Mass[a] Bay, & the Province of New Hampshire* — If the Prov. of the Mass[a] had a Design to Execute this Law when they made it, that Shows they themselves thôt the bounds unsettled, & that the matter was then Controverted, for otherwise they will Impeach the Wisdom of the King and His Gov[r] in troubling and concerning themselves about the Said Instruction, and also their own Conduct in putting themselves to a great deal of trouble and Charge to have that Determined which was so before, as they now Say by the afores[d] Judgment. but if they had no design to Execute the Said Law when they made it, no man will Say they Acted the honest part whatever other Views they might have. But as we have no Suspicion that this was the Case when they pass'd the Said Act, tho' it did not take Effect, So we

Say, that whole Transaction fully demonstrates the Sense that the King, the Gov^{r}, & the Province of the Mass^{a} Bay had of this matter, at that time Namely that the boundarys between the Said Provinces were unadjusted & in Dispute. And tis remarkable that in Govern^{r} Belcher's Commission for y^{e} Governm^{t} of New Hamp^{r}, the words that us'd to be in former Commissions viz three miles Northward of Merrimack River & every part thereof are left out, and that as we have been Inform'd by the Govern^{rs} own motion which Still further Argues what Apprehensions he as well as all concern'd in making out the Commission had of the extent of this Province, viz that it was not Limited by a Line running Parallel with the River to the head thereof. And Indeed how was it possible for them to think otherwise, the Reason & nature of the thing must, as we take it, force all that consider the case into the Same Apprehensions — for how can it be that a Judgment on one Deed or Grant, Should be a Decision of a Controversy on another which is materially & Essentially Different, Especially too when the Deed it Self is Annihilated, & of Consequence all that Depends upon it Void — And the Prov. of y^{e} Mass^{a} in their Answer to our Demands Seem rather to urge the Reason than Authority of the Said Judicial Determination, by confessing they hold by a Different Grant, but that it Conveys the Same Lands, which leads us to Consider — THIRDLY that Paragraph in their present Charter which they Rely on as Sufficient for that purpose — the words are, "Provided also that it Shall & may be Lawful "for the Said Gov^{r} & Gen^{l} Assembly, to make or pass any grant of "Lands lying within the bounds of the Colonies formerly called the "Colonies of the Mass^{a} Bay & New Plymouth & Province of Main, "in Such manner as heretofore they might have done by Virtue of "any former Charter or Letters Patents; which Grants of Lands "within the bounds aforesaid, We do hereby Will & Ordain to be & "Continue forever of full force & Effect, without our further Appro-"bation & Consent." The true intent & Design of this Paragraph was to give the Govern^{r} & Gen^{l} Assembly of the Mass^{a} a power to make & pass any Grants of Land in the Same manner, that is, as fully & Effectually to Convey the fee or a Good right & title to the Grantee, as they Could under y^{e} first Charter, and of this we make no doubt, but the Question is how far & within what Limits they were to Exercise that power according to the true Intent & meaning of the Charter — And here first we would observe that by this Charter the Province of the Mass^{a} has different bounds from those of the Colony of the Mass^{a} bay by the old Charter. this they themselves will Confess is true as to the breadth of the Province, & we take it to be no less true with Respect to the Length thereof, tho' they may not be

So willing to own it. And this difference was not an Accidental thing but designed by the Grantor. and here it is in this part of the Charter, after the Recitations & before the habendum, that we ought to look for the bounds & true Extent of the Province, for 'tis the Office of the first part of any Deed after naming the grantor & Grantee to Describe with Certainty the thing Granted. and it is altogether as Improper to Enlarge the bounds of the Land Conveyd by any Deed after y^e^ habendum as it is to add to & Increase the number of Grantees by Inserting their names there. we therefore conclude that the true extent of the Prov. of the Mass^a^ is to be found after the Recitations & before the habendum, where their bounds are first mentioned, And hence it follows, SECONDLY that the Exercise of the Said power of Granting of Lands is by the Said Charter Limited to & Restrained within those bounds, & cannot be extended beyond them by any after Sentence or Paragraph. And this further Appears by duly Attending to the words of the Said Paragraph, for the words, *within the bounds aforesaid*, must Refer either to the Colonies & Province mentioned in the former part of the Paragraph, or Else to the New bounds given by this Charter, that it must be the Latter is plain, from this, that the Sense is Compleat without them, if the bounds of the Colonies & Province Were Intended, & these words, *within the bounds afores*^d^ are of no Significancy, According to that Construction, as will Appear by Reading the Paragraph without them. but when those words are Referr'd to the bounds given before by the Charter & mentiond before the habendum, they are Significant & useful & the Sense of y^e^ Period is Compleat, & every member or part of it Sensible & of Some use —

And tho' by a Stricte Grammattical Construction these words may Refer to the bounds of the Colonies &c Yet Such Construction is often Over Rul'd where the Sense Requires it, & the Plain Intent & Sense of the Instrum^t^ shall Govern the Construction & Carry it against the Nice Rules of Grammer. it were Easy to produce many Instances of this if Necessary but is as we take it too plain & Notorious to Need it. But Especially in Charters Grants or Deeds which allow a more Liberal & Equitable Construction So as to Comport with the Intention of the Grantor, And in the Case we are Speaking of the Sense Evidently Requires Such a Reference as we Contend for, namely to the Bounds first mentioned after y^e^ Recitations, or else the Charter Contradicts it Self. And when there are two Constructions put on any Deed the one agreeable to the Strict rules of Grammer but make one part of the Deed Contrary to the other, and another Construction which tho' contrary to a Rule of Grammer is yet good Sense & makes the Deed Consistent with it

Self thro-out, can any man in Such a Case be at a Loss which Construction ought to be follow'd? And this is plainly the case if the words we have been Speaking of have Such a Reference as they would give them, as a little attention to the Charter & what we have Said thereon will plainly Evince —

Now the Government of New Hamp^{r} Claims all the Land that Lies between the Northern Boundary of the Massachusets, & the Southern Boundary of the late Province of Main, and that His Majesty allows & understands that to be the Extent of the Province of New Hampshire may be Justly Inferr'd and is fully prov'd, by the Paragraph before Referr'd to in Gov^{r} Belcher's Commission for the Governm^{t} of this Province, in which the words that us'd to Seem to Limit this Province to a Line run three Miles North of any & every part of Merrimack River are left out, which shows that New Hamp^{r} might possibly run nearer the River in Some places as the Line of the Prov. of the Mass^{a} might probably be run. for it cannot be rationally Suppos'd that the King intended One Line for New Hamp^{r} & another for the Mass^{a} & So leave Some Towns or a part of Some Towns, neither under that Governm^{t} nor this, & Consequently under none. which must be the Case if that w^{ch} is a Northern Boundery for the Mass^{a} is not a Southern Boundary for New Hampshire —

This point is further Demonstrated from the Commission which gives your Hon^{rs} Cognizance of this matter, which Says you are to Settle the boundaries between these two Provinces which must therefore joyn to Each other, or the boundaries cannot be Said to be between them, — No Common Man is ever guilty of Such an Egregious Blunder as to Say that Bounds may be Settled between the land of A. and B. if C hath a Tract of land lying between theirs — It is plain then that In order to find out the true Extent & Bounds of New Hampsh^{r} Your Hon^{rs} must make a Construction of the Charter of William & Mary & Determine where the boundaries therein given Ought to run, & when you have done that & Mark'd them out the boundaries of New Hampshire will Show themselves —

We Submit the whole to your Hon^{rs} Judgment not doubting of an Impartial & Judicious determination and in behalf of His Majestys Government of New Hamp^{r} Subscribe Our Selves Your Hon^{rs}

Hampton Aug^{t} 29, 1737 Humble Serv^{ts}

And^{r} Wiggin	Committee	Sha^{d} Walton	Committee
J Rindge		Geo. Jaffrey	
Tho^{s} Packer		Theodore Atkinson	
James Jeffry		Jotham Odiorne	

MASSACHUSETTS REPLY TO NEW HAMPSHIRE CLAIM.

[In place of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4, p. 159.]

To the Hon^oble his Majesties Commissioners for Setling the Respective Boundaries between the Province of the Mass^a Bay & New Hampshire as well on the Southern as Northern part of New Hampshire./

May it Please Your Honours.

The Province of the Massachusetts Bay to Support their Claim humbly present their letters Patent given in 1691, and the final Judgment of his Royal Majesty King Charles the Second in Council given upon the Southern boundary aforesaid in 1677, to be enter'd in this Court according to the direction of your Commission, And thereupon say,

That his Majesty King Charles the first by his Letters Patent under the Great Seal of England, dated at Westminster the fourth of March in the fourth Year of his Reign, did Grant & Confirm to Sir Henry Roswel & others their heirs & Assignes All that part of New England in America which lieth between Merrimack River & Charles River, And all the Lands lying within three English Miles on the South part of Charles River, or of any part thereof, And all the Lands lying within three English Miles to the Northward of Merrimack River, or to the Northward of any part of it, and all the Lands lying within these Limits North & South in breadth, and in length of and within all the breadth aforesaid throughout the Main Lands there, from the Atlantick Ocean on the East part to the South Sea on the West part, Creating them a Body Politique by the name of the Governour And Company of the Massachusetts Bay in New England for the planting & Governing thereof —

In November following the President and Council at Plimouth granted to One Captain John Mason and his heirs certain Lands which they agreed should be named New Hampshire, bounding the same towards the Massachusetts by the middle of Merrimack River from the Mouth to the farthest head thereof, and from thence up into the Land Westward till threescore Miles be finished, which Grant we also pray may be Enter'd in this Court./

These Grants thus Interfering we once claimed a Right to the Soil and Government of all New Hampshire, & in Our Answer with a plan of Merrimack River presented to the King in 1677, which we also pray may be enter'd in this Court, alledged the Grant of that

Old Charter for it, Urging that we were bounded between two East & West Paralel lines drawn from the most Southerly part of Charles River, and the most Northerly part of Merrimack River, with three Miles advantage on each, and reaching from Sea to Sea, and therefore could not be bounded by so many hundred lines as the River Merrimack makes bends or Angles in two hundred miles passage from Winnipesokie pond to the Mouth of the River. But this was our Mistake for such lines could never answer the plain words of that Charter, which expressly limited us as to the Lands Northward of Merrimack River to those only that were within three English Miles of the River, And therefore that Judgment of the King in Council in 1677 accordingly determined, that the North & South bounds of the Lands granted, so far as the Rivers Extend, are to follow the course of the Rivers, which made the Breadth of the Grant, So that dispute was then Setled, his Majesty made New Hampshire a seperate Province to be Ordered by Governours of his Majesties Immediate Appointment, And all the Commissions to their several Governours, that at any time since, mention their bounds, ever describe them as containing all those Lands that lye and Extend from three Miles Northward of Merrimack River or any part thereof to the Province of Main, As by the respective Paragraphs thereof herewith presented appears which we also pray may be Enter'd in this Court./

Now tho' that Old Charter of the Massachusetts Colony was afterwards Cancelled by a Judgment given in the Court of Chancery in the thirty sixth Year of King Charles the Second; Yet their Royal Majesties King William and Queen Mary by their Letters Patents in 1691 Declaring that King Charles the first by his letters Patent had Granted & Confirmed to Sir Henry Roswel & others their Heirs and Assignes All that part of New England abovementioned to be granted them, Creating them a body Politique by the name of the Gov^{r} & Company of the Massachusetts Bay in New England, that they by vertue of those Letters Patents had setled a Colony of the English in those parts which was become very Populous, and that these Letters Patent were afterwards, cancelled by a Judgment in Chancery Do WILL & ORDAIN that the Territories and Colonys commonly called or known by the names of the Colony of the Massachusetts Bay & Colony of New Plimouth the Province of Main &c, be Erected United and Incorporated into One Real Province, by the name of Our Province of the Massachusetts Bay in New England.

About five Years after this the Governour & Council of New. Hampshire caused their boundary line to be run from the Atlantick Ocean three Miles Northward of Merrimack River, following the course of the River, so far as they had any Settlement near it, and

filed the Plan thereof among their publick Records. An Authentick Copy whereof we here present, and pray it may be Enter'd in this Court./

And as to their particular Objections & Allegations viz^{t}

Objection 1st That his Majesties Judgment in 1677 should have been pleaded in Barr to a New tryal, against their Petition for it, and therefore cant be used in our present defence./

We say we are now upon the Tryal where the Line is to be marked out upon the spot & Establisht, which never hath been done; and therefore now only is the time to produce that Judgment as well as any other Evidence we have.

Object^{n} 2 That that Judgment is void, because the Colony Charter, upon the Northern boundary line whereof this Judgment was given, is cancelled. We say It is void as to the Gov^{r} & Company of the Massachusetts Colony, which are dissolved; but not as to the Province of the Massachusetts Bay, into which all that was called or known by the name of the Colony of the Massachusetts Bay is incorporated: for the Old Charter together with his Majesties Judgment upon the meaning of the words of that Old Charter in the day of it are matters of Record of the highest nature & definitely determine what was called or known by the name of the Colony of the Massachusetts Bay, and no Man has right to dispute it.

Object^{n} 3^{dly} That the three Miles North of Merrimack River is to be taken from the middle of the Channell, because the Attorney and Solicitor General say, it is to be taken from three Miles North of the Mouth of the River, where it runs into the Atlantick Ocean. We say wherever the rivers Mouth runs into the Sea even to the Northermost side of it, is Merrimack River; therefore from thence the three Miles must begin./

Object^{n} 4^{thly} That the River Extends from the Sea to Pantuckett Falls thirty five miles Westerly, thence to the Crotch fifty five Miles Northerly 15:30 West in the whole, allowing for the variation, and by the Old Charter the Line is to run three Miles North of Merrimack River or to the Northward of any or every part thereof, therefore by that Charter the Line cant run parallel with the River from Pantuckett Falls to the Crotch unless a line can run parallel to a River that runs North, and yet be three Miles North of the river, which is impossible.

We say, The words of the Old Charter are, We grant them all that part of New England, that lieth between Merrimack and Charles River and all the lands Lying within three Miles to the Northward of Merrimack River, or to the Northward of any part of it, Now the first clause gives us all the Lands between the Rivers Generally, and

the Second plainly intending to give us all the Lands within three Miles of Merrimack on the other side of it, expresses it in few and effectual words, containing two Limitations to distinguish these Lands by, viz^{t} All the Lands that lye within three Miles of Merrimack, and to the Northward of it, now the Lands inclosed between this Parallel line and the River from Pantuckett ffalls, to the Crotch are as much within these two Limitations as those from Pantuckett Falls to the Rivers Mouth, for they are within three Miles of the river & they are to the Northward of it, or on the Northside of it, there never was a River yet that had more than two Sides, this has a Northside named so from the course of the lower and Principal part of it, and therefore the other side must be the Southside, and if this Land be not on the Southside, it must be on the North, and whoever travels down due south from any part of that line, he will come to the river therefore tis part of the Land absolutely granted by the plain meaning of the grant, as well as the Irresistable force of the words.

If the Grant had been of all those Lands on the Northside of Merrimack that lie within three Miles of those parts of the River, that they bear due North from, in such case when the River turn'd Southerly diminishing our Breadth against Haverhill and Dracut, we must have diminisht of Our three Miles in width, and when it turn'd up towards the Crotch upon a course near North, we must have been very narrow, where it was due North, Our line must have run in the River, and thus according to the reaches of the River proceed till we come three Miles above the Crotch, and this we could not have been hindred of then, but the words of Our grant are not such, if they had, we had saved as much people & money which we spent in setling and defending the Lands they now Claim as New Hampshire and all their Claims would have been worth at this day, and if they could force their quibling construction upon Our grant, they would not bring so much advantage to his present Majesty, as they would cast reproach upon King Charles the first that made it above a hundred Years ago, but the words and meaning of our Grant can bear no other sence than what gives us our demand as above. However least any Man should be able to pervert the plain meaning of his Majesties Grant aforesaid he has fuller words granting all the Lands within three Miles of the River to the Northward of the River or to the Northward of any part of it, which puts the matter beyond all doubt, as themselves intimate if these words must be taken together ; and therefore no doubt but his Majesty King Charles the first knew the course of the River when he gave the Old Charter, especially considering the form of New Hampshire runs North up Piscataqua and

Newichawannock River to the head & from thence Northwest, which well Answers their Circular course by this River, But that King Charles the Second knew it when he gave that Judgment is certain, for the Massachusetts then in their defence told him, this River had such reaches northerly as that a due East & West line from the head of it, gave them all New Hampshire, and he understood them well for his final Judgment against them was, to run the course of the River up all these reaches and Extend their grant from the Atlantick Ocean within all the Breadth afores[d] that the Rivers give them as far as they go, and then with the Breadth there found to proceed to the South Sea./

Object[n] 5[thly] That the Province Charter leaves out those Important and Material words of the Old Viz[t] to the Northward of any and every part thereof, and gives us All that part of New England lying and Extending from three Miles Northward of Merrimack on the North to the Atlantick Ocean on the South in breadth and in length of and within all the breadth & compass afores[d] throughout the Main Land from the Atlantick Ocean towards the South sea &c, the most rational construction of which is that this boundary should be a Straight line beginning three Miles North of the Rivers mouth & running due West throughout the Main Land &c.

We say. That the Province Charter reciting the Old Charter and the Cancelling of it, Ordains that the Territories or Colonys commonly called or known by the name of the Colony of the Massachusetts Bay & Colony of New Plimouth, the Province of Main &c, be Erected United & Incorporated into One Real Province by the name of Our Province of the Massachusetts Bay in New England, Now therefore with this Province the Line is now to be run, which hath the Jurisdiction of all that Territory which was called or known by the name of the Colony of the Massachusetts Bay and Includes this very Land in dispute. Its true, that after the Incorporation of the Province in its full Extent aforesaid it goes on & in the following Article gives sundry Lands to the Inhabitants of this Province to be at their disposal And now suppose in this Donation no more had been contained than forty Acres of Land in Nova Scotia, No Man would have said that was the contents of the Province — Wherefore as we have setled fflourishing Towns upon this Land if we had no right from the Crown to dispose of it his Majesty may do as seems him right concerning it, But the Neighbouring Province has no right to meddle with it because tis in this Province by the Incorporation aforesaid, And yet these very bounds plainly intend to comprise all the Lands in the Old Charter & give us all the Lands from three Miles North of Merrimack which must Include all Merrimack &

three Miles on the North side of it, and so this line is to be run from the Atlantick Ocean at three Miles distance from the Mouth parallel with the River giving us all the breadth the course of the River affords to the Crotch, and continuing the breadth there found by a West line to the End of the Province agreeable with the Old Charter, and so this Charter explains it in page 11 in these words Provided also that it shall be lawful for the Governour & General Assembly to make any Grant of Lands lying within the bounds of the Colonys formerly called the Colony's of the Massachusetts Bay and New Plimouth & Province of Main in such manner as heretofore they might have done by vertue of any former Charter or Letters Patent, which grants of Land within the bounds aforesaid (that is to say, the bounds of the Colonys formerly called the Colonys of the Massachusetts Bay & New Plimouth & Province of Main which are the bounds immediately before spoken of, and the only bounds before spoken of for six pages) We do hereby Will and Ordain to be and continue for ever of full force and Effect without Our further Approbation and consent./

Object^{n} 6^{thly} That this line ought to be a due East & West line because the Massachusetts formerly insisted upon it before his Majesty King Charles the Second in 1677. We say this they Insisted upon as their due by construction as New Hampshire now doth but they also insisted upon the lines running North of all Merrimack upon the express Donation of their Charter, therefore let them take both together or conform to plain reason & the Kings Judgment to run the parallel line./

Object^{n} 7^{ly} That if the line must run due West in any part, it must in every part, and therefore when the Right Honourable the Lords Commissioners for trade & plantations referred that Question to the Attorney & Solicitor General viz^{t} from what point of Merrimack River the dividing line ought to begin according to the intent of the Charter, they say nothing of the course, & the reason must be because they Judged it must be a Straight line otherwise they had never troubled themselves and those worthy Gentlemen to pass thro' the formality of several publick hearings and Arguments by Council only to determine a matter of no Importance for tis no matter where the Line begins if it must run parallel with the River. We say, Their Agent raised an Army of Petitioners to Exclaim against us and followed the Board of Trade with several Petitions, and at last petitioned that the King with the advice of his privy Council would determine two Material points which were not proper for meer Surveyors or Mathematicians in America to determine viz^{t} where the line should begin and what course it should run, and these being de-

termined his Ma'ties Commissioners work would be easy. Thereupon the Lords of Trade to Satisfie his importunity referred one of those Questions to the Attorney & Solicitor General viz^{t} where the Line should begin, Whereupon the Agents for the Massachusetts declared they looked upon the question of no importance and would say nothing to it, the Attorney & Solicitor General say they could not tell whether it was or not, but determined the line should begin at the Atlantick Ocean as doubtless when a Line is given to run from one place to another every Man will say it shall begin at the place it is to run from, And so we come properly before Your Honours not as meer surveyors or Mathematicians but as Judges according to Antient and Incontestable right to determine the Second Question./

And upon the whole we pray Your Honours to determine Where the boundary Line on the Southside of New Hampshire shall begin, whether three Miles North of the middle of the Channell at the Mouth of Merrimack river as it now runs according to their Claim, or three Miles North of the black rocks, the Northern edge of the river when the first Charter was granted as we Claim, & that justly, because the first Charter gave us all the land within three Miles of Merrimack river to the Northward as part of the Colony of the Massachusetts Bay, it was ever so known and called, and is therefore by the Province Charter Incorporated into the Province of the Massachusetts Bay, and the line must begin accordingly.

Whether the Line shall from thence proceed due West in the line of that Latitude as they say it should, or follow the course of the River till it comes three Miles Northward of the Crotch or head of Merrimack River as we Claim./

We also pray this Hon^{ble} Court to determine that our line from three Miles North of the head of Merrimack River afores^{d} shall proceed due West in that Latitude to the end of the Province of New Hampshire, and this will be exactly to pursue the sense of both our Charters, and the Judgment of the King in Council afores^{d}, giving us our breadth by the river as far as that go's, and at the end of the river continuing our breadth there found as far as the present occasion requires, And to choose some meet Surveyor or Surveyors to run & mark out this Line with such sufficient Monuments, and at such distances as your Honours shall think proper, as also the line on the Northern part of New Hampshire from the farthest head of Newichawannock River due Northwest which is the plain sence of the word North Westward, to the end of New Hampshire Province, and to make return of their doings therein to your Honours, at such farther day as you shall set, for your consideration, and that your Honours Judgment upon these disputes may be compleated.

In the name & by order of the Agents of the Massachusett's.
Job Almy — Samuel Welles
Henry Rolfe — Thos Berry
Bena Lynde Junr

247 — After this Reply delivered in the Agents of the Province of the Mass: Bay Offered 2 Exceptions to the Proceedings of the Comrs the one because the Province of New Hampshire had not regularly Appointed the two Publick Officers required by the Comm'on & the other because the Court rejected a Plan which they Produced from the ffiles in the Sec'rys Office in New Hampshire, To the first the Com'ee of New Hampshire Objected that it ought not to be rec'ed & Allowed because not made at the time those Officers were No'iated, And upon hearing the parties The Court were of Opinion that the 1st Exc'on ought not to be rec'ed, but that the 2d be rec'ed & Entred, which 2d Exc'on is in the words fol

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 160.]

To the Honble the Commissrs for marking Out & Setling ye Boundaries between the Province of the Massa Bay & the Prov. of New Hampr in New England —

And the Said Province of the Massa Bay comes before yor Honrs & declare that they Exhibited by way of Evidence to your Honrs a Certain plan Entituled a plan filed in the Secrys office of New Hampr which is Endorsed Province bounds Returned the 23rd of July 1696 Wm Redford Dept Secry & certified by Richd Waldron Secry & what yor Honrs on Argument hath Rejected & Denied to be part of the Case from which Judgment & Denial as Erroneous the Said Province of the Massa Bay also pray An Appeal to his Said Maty In Council that the Said Province may before His Said Majty have all benefit & Advantage of So material a part of their Evidence And this their protest and Appeal the Said province pray may be Entred in this Honble Court & made part of the Case

In the Name & by Order of the Agents of the Massa —
Saml Welles
Thos Berry
Benja Lynde Junr
Job Almy
Henry Rolfe —

249 — The Com'ees of both Provinces Appeared & the Mass: Com'ee Demanded Judgmt of their Plea That they were not held to

Contend with his Ma'tie in this Dispute but with the Province of New Hampshire only And after hearing the ℔ties thereon The Court were of Opinion That the Province of the Mass: Bay were not held to contend with his Ma'tie in this Controversy by the words of their Comm'on but with the Province of New Hampshire only And both Provinces being ffully heard by their Agents in support of their Demand & in ans^{r} to each other The Court Adjourned till the next day

1 Sept^{r} 1737 — The Court Heard the Demands, Answers, & Replications of both Provinces, & also the Evidences Produced on each side read & Adjourned to the next day

2 Sept^{r} 1737 — Upon Consideration of the whole by the Comm^{rs} a Doubt arose in point of Law And the Court thereupon came to the foll Resolution

[In place of the abstract here entered, this document is given in full from the original in Masonian Papers, Vol. 4. p. 161.]

Prov. of N. Hamp^{r} } Hampton Sept^{r} the 2 1737 at a Court of Commiss^{rs} Appointed by His Majesty's Commission under the Great Seal of Great Britain to Settle Adjust & Determine the Respective Boundaries of the Provinces of the Mass^{a} Bay & New Hamp^{r} in New England then & there held.

In Pursuance of His Majesty's afores^{d} Commission the Court took under Consideration the Evidences, Pleas & Allegations offerd & made by Each party referring to the Controversy depending between them and upon mature Advisement on the whole, a doubt arose in point of Law & the Court thereupon came to the following resolution viz That if the Charter of King William & Queen Mary Dated Octob^{r} 7th in the third Year of their Reign Grants to the Province of the Mass^{a} Bay all the Lands which were Granted by the Charter of King Charles the first Dated March 4th in the fourth Year of his Reign to the late Colony of the Mass^{a} Bay, lying to the Northward of Merrimack River then the Court Adjudge & Determine, that a Line Shall run Parallel with the Said River at the Distance of three English Miles North from the Mouth of the Said River beginning at the Southerly Side of the black Rocks So called at Low water mark & from thence to run to the Crotch or parting of the Said River where the Rivers of Pemigewasset & winnepiseoke meet and from thence due North three English Miles & from thence due West towards the South Sea until it meets with His Majestys other Governments — which shall be the boundary or Dividing Line between the Said Prov^{s} of the Mass^{a} Bay & New Hamp^{r} on that Side — But if otherwise

then the Court Adjudge & determine that a line on the Southerly Side of New Hamp^{r} begining at the Distance of three English miles North from the Southerly Side of the black Rocks afores^{d} at Low Water Mark & from thence running due West up into the Main Land towards the South Sea until it meets with His Majestys other Governm^{ts} Shall be the boundary Line between the Said Provinces on the Side afores^{d} — which point in doubt with the Court as afores^{d} they Humbly Submit to the wise Consideration of His Most Sacred Majesty in his Privy Council to be determined according to His Royal Will & Pleasure therein —

And as to the Northern Boundary between the Said Provinces the Court Resolve & Determine that the Dividing Line Shall pass up thro' the mouth of Piscataqua Harbour & up the Middle of the River into y^{e} River of Newichwannock (part of which is now called Salmon Falls) & thro' the Middle of the Same to the furthest head thereof & from thence North two Degrees Westerly until one hundred & twenty Miles be finished from y^{e} Mouth of Piscataqua Harbour Afores^{d} or until it meets with His Majestys other Governm^{ts} and that the Dividing line shall part the Isles of Shoals & run thro' the Middle of the Harbour between the Islands to the sea on the Southerly Side & that the Southwesterly part of the Said Islands Shall lye in & be Accounted part of the Prov. of New Hamp^{r} & that y^{e} North Easterly part thereof shall lie in & be Accounted part of the Prov. of the Mass^{a} Bay & be held & Enjoyed by the Said Prov^{s} Respectively in the Same manner as they Now do & have heretofore held and Enjoyd the Same — And the Court do further Adjudge that y^{e} Cost & Charge arising by taking out the Commission as also of the Comm^{rs} & their officers Viz the two Clerks Surveyer & Waiter for their Travel^{g} Exp^{s} & attendance in the Execution of the Same be Equally born by the Said Prov^{s}

Ph Livingston
Will: Skene
Eras: Ja^{s} Philipps
Otho Hamilton
John Gardner
John Potter
George Cornell

252 — After Pronouncing the s^{d} Judgm^{t} in the Audience of the Com'ees & sev^{ll} other Gent belonging to s^{d} Provinces The Court Informed the Com'ees that they sho^{d} Adjourn to Fryday 14 Oct^{r} then next & Ordered Copys of the s^{d} Judgm^{t} to be sent to the resp'ive Publick Officers in the s^{d} Provinces no'iated to them & also Notice in writing of such their Adjournm^{t} being 6 weeks when they sho^{d}

meet in order to receive any Exc'on or Appeale which either or both ℔ties might have to s[d] Judg[t] — & then the Court Adjourned accordingly

[*William Dudley to Secretary Waldron*, 1737.]

[Mss. Prov. Boundaries, p. 135.]

Boston 15[th] Sep[tr] 1737

Honorable S[r]

By this Express our Committee Desire you'l Send Attested Copys of the Records following and to them all please to annex the Seal of your province with Certificate for the Gov[r] to Signe that you are the Secretary thereof & Due faith & Credit ought to be given &c

Copy of the Councill of Plymouths Grant to Cap[t] John Mason

the extracts of the Commissions to the Respective Governours of New Hampshire where the Bounds are mentioned

the returne of the Comittees Doeings in running a parrell line to merrymack River according to warrant under the L[t] Gov[rs] Seal.

The Report of New Hampshire Comittee & acceptance thereof on their meeting with ours at Newbury for an accomodation five or Six years agone I think the last time we ever met on that account, and please to Send by the Bearer hereof an accompt of what they come to & when the court meets at Salisbury if not Sooner You shall be fully Satisfyed. I am S[r]

Your very Humble Ser[t]

W[m] Dudley

[*Mass. Vote for an Appeal*, 1737.]

[Mss. Prov. Boundaries, p. 134.]

The Committee appointed to take under Consideration the Result of His Majesty's Commissioners relating to the Settlement of the Boundaries between His Majesty's Provinces of the Massachusetts Bay and New-Hampshire, are humbly of Opinion

That an Appeal be made, on the part of this Province, from the Judgment of the said Commissioners.

That a Committee be appointed by this Court to advise with Council learned in the Law, in order to prepare a Declaration to be laid before the hon'ble Court of Commissioners on the Day of their Adjournment agreeable to the Directions given in His Majesty's Commission

That the said Committee do prepare a Letter to our Agent, with an Instruction to engage Council in behalf of this Province; And That they forward the same, with such papers relating to the Case, as they shall think necessary, by the first Opportunity —

That the said Committee be impowered to treat and confer with a Committee of his Majesty's Province of New Hampshire upon any Proposals that may be made for an Accommodation between the two Provinces

And we are further of Opinion That a message from both Houses be sent to his Excellency desiring that this Court may be sitting some Days before the Time of the adjournment of the hon'ble Court of Commissioners if he pleases

All which is humbly submitted, in the Name and by Order of the Committee

Salisbury 6 Sep^{t} 1737 — John Turner

In Council Sept^{r} 6th 1737 —

Read and Ordered, That this Report be accepted

Sent down for Concurrence Simon Frost Dep^{t} Sec^{ry}

In the House of Rep'tives Sep^{t} 6 1737 —

Read and Concurr'd, And M^{r} Speaker and John Wainwright John Chandler and Benjamin Prescott Esq^{rs} and M^{r} Thomas Hutchinson, with such as the hon'ble Board shall join, be a Committee for the Purposes within mentioned (any five of whom to be a Quorum) And the Committee is directed to report their Doings herein to the Court in their next sitting

Sent up for Concurrence J Quincy Spk^{r}

In Council Sept^{r} 6 1737

Read and Concurr'd and Edmund Quincy William Dudley, Samuel Welles Thomas Berry and Benjamin Lynde Esq^{rs} are join'd in the affair. Simon Frost Dep^{t} Sec^{ry}

Consented to J Belcher

Copy Exam^{d} by Simon Frost Dep^{ty} Sec^{ry}

[*Vote of N. H. House about Expenses*, 1737.]

[Mss. Prov. Boundaries, p. 156.]

Pro of N H } In the House of Representatives

Voted/ That the Committee appointed by the Prov^{s} to Lay all papers &c^{a} and to Entertaine the Commiss^{rs} on the affaire of the

Lines be and hereby are Directed and Impowered to Settle y^e^ account of Charges in that affaire (according to the Judgm^t^ of the Comiss^rs^) with the Committee of the Mass^a^ Bay and to pay or receive any Ballance that shall appeare to be Due — and if said Committees Cannot agree than to give Said Accounts to the Commiss^rs^ & pray y^m^ to tax the same as Cost

8^r^ 15^th^ 1737 James Jeffry Cle^r^ Ass^m^

Sent up for Concurrence

14 Oct^r^ 1737 — 253 — The Com'ees or Agents of both Provinces appeared & the Agents of the Mass: presented an Order of their Gen^ll^ Court made that day Whereby It was Ordered that the Appeale or Exc'on to the Determination of the s^d^ Com^rs^ which had been that day Approved by s^d^ Gen^ll^ Court Should be laid before the Com^rs^ in order to its being read & entred on their Records according to his Ma'ties Comm'on & a Com'ee was named in this Order for that purpose & to take out Copys & do every thing else that they might judge necessary for the ffurther prosecution of the affair

255 — And the Exc'on to & Appeale of the s^d^ Province from the Judgm^t^ of the Comm^rs^ was read being the same with their Petition hereto annexed

[*Massachusetts Appeal*, 1737.]

[From Original in Masonian Papers, Vol. 4, p. 162.]

To the KINGS Most Excellent MAJESTY in His most Hon^ble^ Privy Council.

The humble Appeal or Exception of Your Majesty's Province of the Massachusetts Bay against the final Determination of the Hon^ble^ Your Majesty's Commissioners for Settling the respective Boundaries between the Provinces of the Massachusetts Bay, & New Hampshire, as well on the Southern as Northern part of New Hampshire, Most humbly Shews,

That your Said Province of the Massachusetts Bay find themselves agrieved at the s^d^ final Determination of the Said Hon^ble^ Commissioners touching the Southermost of those Lines Viz^t^ Where it adjudges

First, That if the Charter of King William & Queen Mary Dated October 7^th^ in the third Year of their Reign does not grant to the Province of the Massachusetts Bay all the Lands which were granted by the Charter of King Charles the first Dated March 4^th^ in the fourth Year of his Reign, to the late Colony of the Massachusetts Bay lying to the Northward of Merrimack River then — the Court

adjudge & determine that a Line on the Southerly Side of New Hampshire beginning at the Distance of three English Miles North from the Southerly Side of the Black Rocks at low water Mark, & from thence running West up into the Main Land towards the South Sea until it meet with His Majestys other Governments Shall be the Boundary Line between the Said Provinces on the Side aforesaid; Which part of the Determination is grievous to the Said Province of the Massachusetts Bay. —

1st Because the express Words of the present Province Charter are, That the Territory or Colony commonly called or known by ye Name of the Colony of the Massachusetts Bay is erected united & incorporated with New Plymouth, &c into one real Province by the Name of His Majestys Province of the Massachusetts Bay in New England, not excepting the least part of it; And therefore cannot be bounded by this West Line, which would Strip this Province of more than one third part of what was contained in the late Massachusets Colony.

2dly The present Province Charter impowers the Governour & General Assembly of the Massachusetts Bay to Grant all Lands in the late Colony of the Massachusetts; And declares, that Such Grants Shall be valid; And therefore grants to the Province of the Massachusetts Bay, all the Land to the Northward of Merrimack River, as well as elsewhere, that was in the late Colony of the Massachusetts.

3dly The Agents for the Province of New Hampshire themselves, in the State of their Demands, laid before the Said Commissioners do Say or acknowledge that the Province of New Hampshire lyes without the late Colony of the Massachusetts and that the Colony of the Massachusetts is incorporated into the present Province of the Massachusetts; And therefore no Doubt can be made whether the Line of New Hampshire Should include any part of the Said late Colony, nor Condition or Supposition, that any Part of it be not granted by the present Province Charter.

4ly The Said Line ought not to run West into the main Land as aforesaid, because a West Line crosses Merrimack River about Thirty five Miles from the Mouth, and excludes the Said River (where it is determined to be Merrimack by the Judgment of the Said Commissioners) for about Forty Miles out of the Massachusetts, Whereas the Said Merrimack River & three Miles Northward is determined to be in the Massachusets by express Words in both the old & new Charter not excepting or excluding any part of it.

Secondly. The Province of the Massachusetts are further aggrieved at the Said Determination where it Saith, That from three Miles North of the Crotch, the Line Shall proceed due West towards

the South Sea till it meets with His Majestys other Governm^{ts} which Shall be the dividing Line between those Provinces on that Side; Whereas the dividing Line can proceed no further than Sixty Miles Because the Province of New Hampshire never did go farther, Whether the Bounds of it be taken from the Grant of Sixty Miles from the Mouth of Merrimack River, made by the Council at Plymouth to Capt. John Mason, which must then determine, Or from the Commissions to Yo^{r} Majesty's Several Governours of that Province, which bound them only from three Miles Northward of Merrimack to the Province of Main; So that the End of protracting that West Line, Seems to be, to prevent the Massachusetts extending towards the South Sea, Or Westward as far as the Colony of Connecticut, contrary to the express Grant or Direction of the present Province Charter.

The Province of the Massachusetts also declare themselves aggrieved at the Determination of the Said Hon^{ble} Commissioners touching the Northermost Line Viz^{t} Where it adjudges.

1st That that Line Shall proceed from the furthest Head of Newichawanock River North two Degrees Westerly; Whereas it Should have been, that it Should proceed thence Northwesward, which is a well known & certain Course, the Same, as towards the Northwest, and makes a Right Angle with the Line directed by this Province Charter to run from Piscataqua Harbour's Mouth Northeastward along the Sea Coast to Sagadahock, which lyes towards the Northeast; For we cannot Suppose that when their Royal Majesty's King Charles the first, King William & Queen Mary used these Terms Northwestward & Northeastward to express the Course of those two Lines with certainty, and to the understanding of mankind, their Interest & Meaning could be, that the Line running up the River One Hundred & twenty Miles Should be North two Degrees West; and that running from the River one Hundred & Twenty Miles, to bound the Second Side, Should be North two Degrees East; For this would make the Province of Main instead of a Tract of Land of One Hundred & twenty Miles Square, only a Gore, being at one End a Point, & but eight Miles wide at the other, not one Twentieth part of their Grant.

2^{dly} That that Line Shall proceed on till one Hundred & twenty Miles from the Mouth of Piscataqua Harbour be finished, or till it meet with His Majesty's other Governments; Whereas it Should have been till the One Hundred & twenty Miles be finished without mentioning His Majestys other Governments; Because the Province of Main extends no further than One Hundred & twenty Miles, and New Hampsh^{r} on that Side is bounded by the Said Province of Main

in all the Royal Commissions to the Several Governours of that Province where any Bounds are mentioned.

Your Majesty's Province of the Massachusetts Bay therefore most humbly hope, that Your Majesty in Your most Hon^ble Privy Council will be pleased in your Consummate Wisdom & Justice to disallow the Said Determination wherein they apprehend themselves aggrieved and will be pleased to continue & confirm the Antient Boundarys of this Your Majesty's Province according to their Claim & that part of the Said Determination which is agreab^le thereunto, and founded on the Grant and Establishment of Your Majesty's Royal Predecessors.

And Your Majesty's most loyal & Dutiful Subjects, as in Duty bound, Shall ever pray J. Belcher Gov^r

Province of the Massachusetts Bay } Salisbury, Oct^o 14, 1737.

In Council October 14, 1737.

In the Name & by Order of the Council

Simon Frost Dep^t Sec^ry

In the House of Representatives Oct^o 14^th 1737

In the Name and by order of the House

John Quincy Speaker.

[Masonian Papers, Vol. 4, p. 163.]

In Council Oct^o 14, 1737

Ordered That the Appeal or Exception to the Determination of the hon'ble his Majesty's Commissioners, appointed to settle the Boundaries between this Province and the Province of New Hampshire, this Day accepted by this Court be laid before the said Commissioners in order to its being received and entred on their Records according to his Majesty's Royal Commission; and That Edmund Quincy William Dudley Samuel Welles Thomas Berry and Benj^a Lynde Jun^r Esq^r, with such as shall be join'd by the hon'ble House of Rep'tives be a Committee for the Purpose aforesaid; as also to take out Copies and Do every thing else that they may judge necessary for the further Prosecution of the affair, any five of the said Committee to be a Quorum

Sent down for Concurrence

In the House of Rep'tives Oct^o 14, 1737

Read and Concurrd and M^r Tho. Cushing Job Almy and Henry Rolfe Esq^rs M^r Nath^l Peaslee Col^o Chandler M^r Hutchinson Col^o

Prescott M^r^ Danforth and James Warren Esq^rs^ are join'd in the Affair
J Quincy Sp^kr^
Consented to
J Belcher
Copy Exam^d^ ℔
Simon Frost Dep^t^ Sec^ry^

Then the Com'ee of New Hampshire Produced a Vote of the House of Representatives of that Province only Setting forth with what parts of the s^d^ Judgm^t^ the Province of New Hampshire was aggrieved & Excepted ag^t^ To which the Agents of the Mass: Objected & took Exc'on for that it was only a Vote of one part of the Legislature which did not represent the whole Province Whereas by the Comm'on the Exc'on to the Judgm^t^ of the Comm^rs^ was to come from the whole Legislature which was the Province And after hearing the s^d^ Com'ees on the Obj'on & Exc'on af^d^ The Court continued the m're for cons : till the next Meeting of the Court & Ordered the Clerk to Inform the Com'ee of New Hampshire of their Resolve thereon & that as the Gen^ll^ Court of New Hampshire was then Sitting the s^d^ Com'ee might apply to the Gov^r^ & Council for their concurrence with the s^d^ Vote if they saw cause — And then the Court Adjourned to Monday then next

17 Oct^r^ 1737 — The Com'ee of New Hampshire being at the Gen^ll^ Court of s^d^ Province The Court Adjourned to Tuesday the 18^th^

18 Oct^r^ 1737 – 262 – The Com^rs^ having Considered the Vote of the House of Representatives of the Province of New Hampshire as Entred the 14^th^ Agreed & Determined that the same sho^d^ be rec'ed & made part of the Records of that Court — & the same is in these words Viz^t^

[This document is here given in full from Masonian Papers, Vol. 4, p. 164, also Prov. Boundaries, p. 157.]

Province of New hamps^r^ 8^r^=14—1737 } To the Honourable the Commiss^rs^ Appointed by his Maj^ties^ Commiss^rs^ under the Great Seale, to Settle the Boundarie Lines between his Maj^ties^ Province of New hampshire, and the Province of the Massachusets Bay in New England

Forasmuch as his Excellency Proroug'd the Generall Assembly of this Province at their Last Sitting, before they could know the Judgment of the Commiss^rs^ Respecting the Boundary Lines of this his Majesties Government, And Proroug'd them to the day before the Said Court of Commissioners by adjournment were to meet in Order to receive the Appeals of Either Province that Should think themselvs Agrieved, at which Last meeting of the Commissioners

Either party agrieved was to give in their Appeal, from which part of the Judgment as they Should think Erroneous, and not afterwards; And this Province being thereby Stript of the benefit and Advantage of Appealing from Such part of the Commiss^rs Judgment as they think unreasonable and prejudicial:

And that his Majesty might not think this House Satisfied with all parts of the Said Judgment: Voted that this his Majesties Province think themselvs agrieved by the Said Judgment in the following Particulars, viz^t on the Southerly Boundary: in that the Judgment Says; "begining at the Southerly Side of the Black Rocks, So called at Low Water mark". when those Rocks are about a Mile from the Mouth of the River Merrimack, & neare three Quarters of a Mile North from where it Emptys it Self into the Atlantick Sea or Ocean 2^dly from a Parralell Line with the River: In case a Crooked line Should be run (which by no means, we are humbly of Oppinion ought to be Admitted) for we object against the runing a Crooked Line parralell to the River, it being founded upon the Old Charter of the Corporation of the Massachusets Bay, long Since vacated, Yet in Such a Case it ought to begin three Miles to the North of the Mouth of the River Merrymack at Low water Mark where it Emptys it Selfe into the Atlantick Sea or Ocean, and in that manner to run no farther than the River hath a Western Course: and not to run parralell to the River where it runs North and South, at three Miles distance from the River, and far beyond where we apprehend it was formerly called Merrymack: And more particularly because the Province of the Mass^a Bay Now hold under the Charter of William & Mary which Never intended a Crooked Line:

3^dly: and as to the Northern Boundary: We object against that part of the Judgm^t that Says: "Through the Mouth of Piscataquæ Harbour and up the Midle of the River" Because we humbly conceive that M^r Gorges Patent, By which the Mass^a Claime doth not convey any Right to the River. For the whole of that River and the Jurisdiction thereof hath Ever been in the Possession of this Province and never Claimed by the Massachusets: and this Province in order to preserve & Safe g'ard the same have always had a Castle and Maintained a Garrison there And the Committee Appointed by the Generall Assembly of this Province to Lay all papers and Evidences Relateing to the affaire of the Lines before the Commiss^rs are hereby Directed to present this Vote Immediatly to the Court of Commiss^rs for Setling the Lines And pray that the same may be Entred at Large in their Minits and Made part of their Records

By Order of the House of Representativs

October the 14^th 1737. — James Jeffry Cle^r Ass^m

265 — Upon Publishing the Determination in the hearing of the Com'ees of both Provinces The Mass: Com'ee Moved that they might have lib'ty to Enter their Protest in writing ag^t the same Which the Court Allowed them to do the next morning — To which time they Adjourned

19 Oct^r 1737 — The Mass: Com'ee Presented their Protest ℘ suant to the lib'ty given 'em yesterday, & which Exc'on & Protest is in the foll words Viz^t

[In place of the abstract here entered, this document is given in full from Masonian Papers, Vol. 4, p. 165.]

Province of N: Hampshire } To the Hon^ble the Commissioners Appointed by His Majesties Commission under the Great Seal to Settle the Boundary lines, between His Majesties Province of the Massachusetts Bay and the Province of New Hampshire in New England.

The Committee of the Massachusetts Bay on Behalf of the said Province. Do Except & Protest against your Hon^rs Receiving and Entering in the Minutes or Records of this Hon^ble Court, A Vote of the House of Representatives of the Province of New Hampshire, Purporting their Greivance and Exceptions at the Judgement of this Hon^ble Court as Expressed in said Vote and Exhibited the 14^th instant, by A Committee without the Appearance of any Power or Authority from the said Province so to do:

For the Following reasons —

1^st Because your Hon^rs by the Royal Commission, at this Meeting are not Enabled nor Allowed to receive any other Matter or thing to be made part of the Case, but only the Appeal of Either Province. Now the said Vote being Manifestly and Even by your Hon^rs Own Opinion upon it, as in your Minutes, The Act of one Part of the Legislature only, And not of the Whole Legislature which is the PROVINCE, and therefore no Such Vote or Order can be received, Especially when the Hon^ble the Council of said Province, have Voted that it is not for the Interest of the Province of New Hampshire to Appeal or Defend against any Appeal Made or to be Made from the Judgement of this Hon^ble Court, But to Submitt the Matter as it now Stands to His Majestys Royal Pleasure.

2^dly Forasmuch as the reason Assigned for offering the said Vote of the House of Representatives is intirely Groundless Viz^t That the Province of New Hampshire was stript of the Benefit of Appealing by the Prorogation of the General Court of that Province to the day before the Adjournment of this Hon^ble Court There having been full

Oppertunity on Several Days in which His Excellency the Governour has Continued the Whole Gen[l] Court Sitting, And the said Vote of Exceptions by the House hath never in all that Time been laid before Either of the Other Branches of the Generall Court for their Consideration.

3[dly] Admitting the said Vote had been the Act of the whole Gen[ll] Court of New Hampshire, it must have been Exhibited & Laid before this Hon[ble] Court, by such as Were Authorized & Appointed to that Purpose, Whereas the Persons presenting the said Vote were neither Authorized nor Directed by the said Gen[ll] Court so to do.

So that upon the whole the Province of the Massachusetts Insist upon it and Say the said Vote is not the Act of the said Province. Nor were the Persons who presented the same Authorized or Directed to Present the same as afores[d] And therefore to Receive & Enter the s[d] Vote & Make it part of the Case is as the Province of the Massachusetts Bay Conceive Inconsistent with the Authority, and Even directly Contrary to the Plain Sence & Construction of the Royal Commission to this Hon[ble] Court. And this their Protest the said Province of the Massachusetts Bay Pray may be Entered in this Honourable Court and Made part of the Case.

Samuel Welles./
Thomas Berry.
Ben[a] Lynde Jun[r]
Henry Rolfe
Benj[a] Prescott
Committee.

268 — The Court having Directed their Surveyor to Prepare a Plan or Draft of the Rivers & Boundary Lines referred to & ment[d] in their Judgm[t] He accordingly Performed the same, Which Plan is annexed to the Proceedings transmitted by the Comm[rs]

The Court having Proceeded thus far in the execution of their Comm'on Thought proper to Adjourn to some future day till his Ma'ties Pleasures sho[d] be known in the prem'es And accordingly Adjourned to the 1[st] day of August 1738

The following observations are thought proper to be added to those in our printed Case Viz[t]

As to the Northern Line of Massachusetts or Southern of New Hampshire

1 — It is Evident the Massachusets was understood & known to extend so as to take in 3 Miles beyond Merrimack River & no further because from the time of the s[d] Judgm[t] of the King in Council Anno 1677. their practise was to Grant Lands so far Northward as

this & no further, nor can any Instance be produced of their granting further from that time to this

2 — By an Act passed by the Assembly of the Massachusetts in the 7th Year of his present Majesty Entituled

An Act for erecting a New Town within the County of Essex at a Plantation called pennycook by the name of Rumford.

By which Act after Reciting that Pennycook plantac'on was 7 Miles Square & filled with Inhabitants — And that a Meeting House was built & an Orthodox Minister settled amongst them.

It is Enacted that the Plantac'on of *Pennicook* in the County of Essex as the same is thereby bounded shall be set off & constituted a seperate & distinct Township by the name of Rumford.

And the Bounds of the sd Township are thus described (Vizt)

Beginning where Contoocook River falls into Merrimack River & thence to extend upon a Course East 17 Degrees North 3 Miles — And upon a Course West 17 Degrees South 4 Miles which is the Northerly Bonds of the sd Township & from the other parts of that Line to be set off Southerly at Right Angles untill 7 Miles & 100 Rods shall be accomplished from the sd Northern Bounds — And which Act so late as 21 April 1737 Was Confirmed by his Majestys Order in Council.

And which we take to be another Declarac'on of the Royall Sence that this Boundary is to be by the Curve Line we contend for ffor otherwise & should the Line run as New Hampshire contends for it will entirely exclude this whole Township which will be then near 30 Miles Distance from the Borders of Either province.

3 — We apprehend a very strong argument arises in favour of the Massachusetts — Ab Inconvenienti — ffor the Massachusetts people under Massachusetts Grants have settled all up the River Merrimack so far as the Crotch and no one Settlemt is made within the 3 Mile Line Claimed by the Massachusetts under any Grant from New Hampshire — All the Settlements have been Erected into 30 Townships by Acts of Assembly — the Setlers have been Subject to the Laws & paid their Taxes &c to the Massachusetts Government — And to set aside all these Grants & Rescind all these Laws Confirmed too by the Crown would be attended with many publick Mischiefs & Inconveniencies and very great ones too which must necessarily Ensue upon subverting the Judgment of 1677 and in a manner marking out New Boundarys for the Provinces after an Acquiescence of so many Years or at least after so many Settlements in Consequence of that Determinac'on, ffor should the Line Intersect Merrimack River 40 Miles Southwards of what was formerly allowed to belong to the late Colony of the Massachusetts it would create the

utmost Confusion in such Number of Grants & Townships — And Arguments of this nature have always carried great Weight with them & were very lately the ffoundation of an Act of Parliament with regard to the Jurisdiction of the Master of the Rolls — And Inconveniencys affecting Grants and Settlements of ancient Dates & Standings are always of material Considerac'on in Courts both of Law & Equity.

4 — For that the Massachusetts Province Extends to the South Sea by force of the Words as far Westward as our Colony of Connecticutt — This is plain by having recourse to the Charter to Connecticut which is dated in 1662 & gives them the South Sea for their West Bounds & Bounds them Northerly on the Massachusetts plantation Wheras if the Line is to be run in the manner claimed by New Hampshire the Massachusetts will be prevented from extending Westward as far as Connecticutt contrary to the express Words of the present Charter

The Objections made by New Hampshire to this Boundary Line.

1st Objection — New Hampshire objects that the Settlemt Anno 1677 should have been pleaded in Bar agt a new Trial and that it was vain to have this present Enquiry if any past Settlemt was now good.

Answer — The New Hampshire Committee in the directing their Answer to the Court of Commissioners Intitle them Commissonrs to mark out & settle the Boundarys, which plainly supposes that there were certain Boundarys before but that they never had been Marked out & also that they were to be so done by the ancient Deeds Charters & Settlemts referred to.

This cannot be thought vain or too trifling for such a Court, when the Adjustment of the dispute as to the Name the running & Course of the River Merrimack with which the Northern Line was to run parrallel continued or took away a Tract of Land above forty Miles Wide to the end of the Government.

3dly It was the Southern & Northern Boundarys of New Hampshire & not of the Massachusetts that were to be ascertained & the Course of their Lines fixed, it was therefore highly incumbent on them especially when Considered as Claimants to prove & make out their Boundarys, Now whatever appeared of this nature instead of ffavouring their Line gave strength & support to the Massachusetts Claim & Right thus

First the Deed to Capt John Mason Novr 1629 bounds that Tract of Land which was then called New Hampshire by Consent of the Council of Plymouth by the River Merrimack to the furthest head thereof & then into the Country, Hence it follows that the Dividing Line could not cross over Merrimack for their Boundary was to fol-

low or was fixed in the River to the furthest head thereof, and had not this Grant been after that to the Massachusetts it would indeed have excluded their 3 Miles Claim on the Northern Side of the River but the Massachusetts Grant was prior to Masons Grant and must therefore so far entirely set aside & render invalid Masons Deed

NOTE Mason had a prior Deed to this, but it was never Authentick having but six hands Whereas the Grant to the Council at Plymouth from King James expressly requires seven hands at the least to make an Act valid, And it was from Masons Deed of 1629 that New Hampshire took it's Name.

2dly The *Commission to President Cutts** Anno 1679 two Years after King Charles's Settlem^t^ 1677 & when the matter was fresh in Memory was that which created a Government & is the alone Foundac'on on which that province must stand unless they can shew any Addition to their Bounds & Limits by some New Grant from the Crown, and that too of Lands not before Granted Now this Commission first bounds them *Three Miles North of Merrimack or any part thereof* & 2dly the King thereby declares that the *Government* of s^d^ Province of New Hampshire so limitted & bounded had never *yet been Granted*, and then his Majesty by these Letters Patents creates & gives them the power of Government 3dly His Majesty by these Letters Pattent declares that Robert Masons Ancestors had obtained a Grant of *the Soil of s^d^ Tract* which answers to the afs^d^ Deed dated 1629 Save only that whereas the King by his Settlem^t^ 1677 had adjudged 3 Miles North of Merrimack & every part thereof as the River ran to belong to the Massachusetts so he justly cutts off & Abscinds from the Grant of Mason & make his new Government to Correspond & agree with the said Settlement.

All the following Commissions (the Charters of New Hampshire Governm^t^ if they may be so called) give the Sense of Crowned Heads & in all of them the Southern Boundary of New Hampshire is ascertained & fixed to three Miles Northward of Merrimack or any part thereof & these Commissions are all that give the Boundarys

But then New Hampshire Object

2^d^ Objection — That it appears from these Commissions that the Crown well knew New Hampshire Extended further than the Bounds menc'oned in these Commissions as is Evident from the words ALL THAT PART of New Hampshire which implys New Hampshire to be of larger Extent & to contain all the Land not comprehended within the Massachusetts Charter.

Answer — These Words at the time they were Originally incerted in these Comis'ons were plainly done with a view to Masons Grant

* Printed, State Papers, Vol. 1, pp. 373–382.

which Grant first gave the Name of New Hampshire to all the Lands included in it & his then Majesty having by the s^{d} Determinac'on in 1677 *finally adjudged* that part of the Lands included in that Grant to Mason were belonging to the then *Colony of the Massachusetts* his Majesty at the time when he issued his first Comis'on to New Hampshire that he might not be thought to break in or Infringe upon the said Judicial Determinac'on & to guard ag^{t} all possibility of a Construction of that kind Describes the Territory of New Hampshire in this Comis'on so as that it might not be Construed to extend to that part of the Lands which by the s^{d} Order in 1677 were determined to belong to the Mass^{s} Colony And to shew that the Gov^{rs} by Virtue of these Comis'ons were to have a Jurisdiction only over such part of the Lands in Masons Grant as were contained within the Bounds laid down in their Comis'ons & which Comis'ons were manifestly framed so as to be conformable to the Judgment of 1677 — The other part of that which was Originally called New Hampshire by Masons Deed being by the said Judgment determined & adjudged to be within the Massachusetts Colony.

3^{d} Objecc'on — New Hampshire object & insist that Gov^{r} Belcher's Comis'on makes him Gov^{r} of New Hampshire generally without menc'oning any Bounds & would from hence inferr the Sense of the Crown that all the former Descripc'ons in the preceeding Commissions were erroneous & ill warranted.

Answer — As To which it is to be observed that the Boundarys of that Government being ascertained in the first Comis'on 1679 & in the after Comis'ons to five Governors being all that part of New Hampshire (according to the first Grant 1629 which the King had to give the Government of, it was now become needless to describe it by it's Boundarys the Bound^{ys} being so known & fixed for such a Course of Years & now that part so described in the former Comis'ons by prescription & becomes & is determined the province of New Hampshire And this further appears to be the true design of the last Commission for had the King intended to have enlarged or further extended that Governm^{t} it wo^{d} have been by giving new & certain Bounds & not by barely giving the Government of New Hampshire which must when alone referr to certain Bounds menc'oned & determined in some prior Grant of Governm^{t} & this is especially done in the first Comis'on to M^{r} Cutts & as the Boundarys had been so solemnly decided by the Judgm^{t} of 1677 & for above 50 Years afterwards (Viz^{t}) till 1730 known by the same Descripc'on as those in the Judgm^{t} & used in all succeeding Comis'ons in that Sense — the Name & Bounds of New Hampshire were thereby become so certain & notorious as to render it wholly unnecessary to continue

the particular Descripc'on in any future Comis'on for that province any more than in those for the Massachusets.

But most certainly it can never be argued from a meer Ommission that his Majesty intended to overthrow a Judgm^{t} & the Sense of his Predecessors with regard to the Limits of New Hampshire for 50 Y^{rs} before Nor is there the least Intimac'on thrô the whole of the present Gov^{rs} Comis'on that New Hampshire was to comprehend more than it did formerly

But to beat New Hampshire out of this Argument The Settlement by Lieutenant Gov^{r} Usher & Council soon after the Massachusetts present Charter Viz^{t} 1696 plainly declares their own Sense of the Boundarys which are run by the return of their Committee parrallel with the Courses of Merrimack agreeable to the Line we now Claim

Objecc'on 4—New Hampshire in their Reply further Object & strongly insist on the Instrucc'on to Governor Belcher—His Recommendac'on & the General Courts passing an Act for setling the Boundarys & thence argue that it must from hence be supposed they never had been setled before.

Answer—It's true the Lines were never marked out & so ascertained and therefore the Massachusetts made an Act to have that done according to the ancient Grants Settlement & Records & this is often the Usage between private Persons whose Boundary thô determined by their ancient Deeds or Agreem^{ts} yet on a Controversy arising touching the Markings & meeting out such Boundarys leave it to indifferent Judicious persons to settle & make certain the same but thereby noways Forego any ancient well made Settlem^{t}, & this is all that was designed by the afs^{d} Act

Besides this is Objecting ag^{t} what appears upon Record & therefore can be of no Weight

Objecc'on 5—The New Hampshire Committee Object & protest ag^{t} our Evidences (Viz^{t}) That all our Witnesses were persons Interested all of the Massachusetts being Tenants in Common to the Soil.

Answer—This is no Objecc'on None of our Witnesses appearing to be Landholders Besides the little time allowed Us to procure our Evidences prevented our getting Persons in the other Governments, And two ancient Indians were summoned who lived all their days near & about the River, but thô spoke with could not be brought down in time & then the matter proved (Viz^{t}) the Name Merrimack was so known & acknowledged even by the New Hampshire people that we could hardly imagine any one of them would have pretended to deny what was so plain nor was one evidence produced to the contrary

For as to the River being Merrimack even to the Crotch at Winnipisiokee over & above what all the Evidences declare we offerr

1st — Ancient Evidences taken from the Natives who gave the Name & were best acquainted with the River its' Courses & Reaches
2dly — Ancient Deeds as first the Indians to Wheelwright 1629 which also (if duly observed) shews the early knowledge of Merrimacks running Northerly So also the Deeds to Tyng & others where the River up as far as pennicook 30 Miles after the Turn Northward is called Merrimack
3d — Ancient Mapps of the Country printed in England must be well known there before the Settlemt 1677 especially to the 2 Chief Justices Rainsforth & North who were then informed by the Massachusetts of the Course of the River
4thly — That New Hampshire Governmt themselves call the River Merrimack many Miles above the Turn at pantuckett as in the Grant of the Town of Chester N° 57
5thly — As Truth itself will always burst forth even from the Mouth of an Opponent so in the New Hampshire Answer N° 11. *they called the River Merrimack from Winnipisiokee even to the Mouth at Newberry & describe it Page* 34 *as running* 35 *Miles Westerly &* 55 *Miles Northerly*, & indeed almost always when they have occasion to mention the River they give it the Name w'ch it always had & ever will be called by.
6thly — As the province of the Massachusetts on the Recommendac'on of the Comrs Agreed on the plan of Merrimack & presented it to the Court, So New Hampshire Governmt came into & agreed that it was a true plan of the Course or run of the Water from Winnepesiokee to Newbury & from the plan on the face of it It appears to be Merrimack River to the Crotch.

The Exception to the Witnesses cannot avail for supposing they were interested in the Soil that could not disqualify them as Witnesses where the Line of Jurisdicc'on was only on Trial — 4thly The New Hampshire Witnesses as to the Black Rocks are full as much parties as any the Massachusetts can bring.

Ob'con 6th — New Hampshire Comittee Object that the Course of the River Merrimack runing 50 Miles Nearest North Renders it Impossible to Suppose that a Line paralell with such a River should be the Northern Side of any province or Tract of Land.

Answer 1st — The same Difficulty Arose on the Determination & Judgmt passed on the Grant in the old Charter & yet those learned Judges who then Determined this Matter on a Solemn Argument & a full Representac'on of the Matter ꝑticularly the Courses & Reaches of the River as Appears by the Representac'on finally adjudged such a parralell Line as far as the River Run to be the Boundary of that Colony now Incorporated with others without any Diminution or taking from it

2dly — Whatever little Difficulty may seem to arise on such a Construction It Vanishes when it is Considered that the King by his Grant Gives first all the Lands Extending from the Great River Merrimack on the North part to such a Certain Boundary on the South Surely then all the Lands lying on Merrimack & to the Southward of it untill it comes to the other Boundary belongs to the Massachusetts & as an Addition The King further Gives 3 Miles Nortward of the said River which plainly Intends 3 Miles of the other Side of said River as it runs but

3dly — The ffact being truly Stated vizt That the Generall Course of Merrimack from the Bend to the Crotch with allowance for variation running 15 Degrees or more than a point ½ to the west of the North fully resolves the Difficulty & makes all these Lands that lye within three Miles of the River on that Side truly & Liberally Lands to the Northward of the River & so must be within the New Charter Limitts

4thly — Let New Hampshire Solve the Difficulty by their own Claim in which they make the Northern Line of their province a River Running in ffact & truth full as much Northerly as Merrimack & thence when the Charter gives a Line North westward they Interprett that to be a Line running North 2 Degrees & ½ west & makes it the Northern Boundary of their province Surely then those that can Reconcile the Difficulty of a Line runing North 2 Degrees & ½ west being a Northern Boundary may with much greater Ease Solve the Difficulty of a Line running Northerly 15 Degreee west

5thly — A plan of New Hampshire province bounded and prescribed as the Massachusets Claim according to the Course of the River makes the whole Evident & Removes every Doubt from all Unprejudiced Minds for the Courses of Merrimack & Newichawannock runing near paralell to each other & about as far Northerly gives New Hampshire its full Compass & Extent (& this Clears up & Evidences the design & Intent of King Charles in both his Grants who from one & the same Reason (Vizt) the River being a ffixed Unalterable Boundary gives to the Massachusets a Line Running paralell with the River Merrimack & knowing that River Turned and run Considerable Northward Chose from the other River Newichwannock the Northermost River from Piscataqua Harbour & which runs about 40 Miles Northerly nigh parallel to Merrimack & to near the same Extent for a Northern Boundary to New Hampshire

Objecc'on 7th — The new Hampshire further Object to our having Councill for Comrs where they Say they could not possibly have the advantage of able Lawyears

Answer — This Objection is Ridiculous — ffor New Hampshire

might Certainly have and as able Lawyers as any on the Continent of America & in ffact they had two as able Lawyers (viz^{t}) M^{r} Atkinson & M^{r} James Jeffrys both Eminent pleaders & had they Needed others they had time & Opportunity Enough to Engage other Gent. of the Law who were belonging to themselves & Generally Attended the Tryall

8th Obj'on — New Hampshire further Objected before the Com^{rs} against the Courts Receiving as Evidence any Deeds Charters &c. that Related to the time of the Massachusets old Charter insisting they had no Relation to the present Controversy which Entirely depended upon the present Charter

Answer — But New Hampshire have themselves furnished us with the Strongest Answer possible to this Obj'on by having themselves Produced before the Comm^{rs} the Claims Set up and Defence made by the Massachusets Colony in 1677 and upon which that Determinac'on was made — Besides if the present Charter Comprehends all the Lands that were Included in the former Charter to the Massachusets Colony then this Determinac'on in One Thous^{d} Six Hundred Seventy Seven has finally Settled this Question — And it is further of Consequence to Shew by Deeds and Grants how possession has gone and what has been the Opinion and Estimation of the Country — There is Likewise this further Clear Use to be made of the Deeds and Grants prior to the present Charter viz^{t} to Evidence and Show that the River Merrimack was called and known by that Name up as far as We Contend for long before the date of the present Charter — A Matter of ffact which New Hampshire Denys and of which there Cannot possibly be Stronger or better Evidence than what Arises from Antient Deeds & by Wannalansets to Jon^{a} Tyng dated 10th Oct. 1685 the River is called Merrimack 6 Miles above Pennicook and the same thing Appears by severall other Deeds We therefore think this Objection can have no manner of Weight with it

Observations on the New Hampshire Evidence

Note — New Hampshire produced a Writt & Judgm^{t} of the Mass: in 1733 between Carlton & Adams for Land lying within the Bounds of Kingstown which they Insisted lay within the pr^{o} of New Hampshire & which they did to Show that the Courts of the Massachusets had Usurped a power over part of the province of New Hampshire by Trying the Title of Lands in New Hampshire at the Courts of the Massachusets

But please to Observe that the Lands Sued for in this Action Appear by the Record of the proceedings to lye in Havrill which let the Line run either as they or we Contend for is Undoubtedly within the Massachusets province as Clearly Appears from the plan.

Besides it Appears from the Record that the plea to was Waived & the Cause tryed upon the Merrits by Consent and the Town of Havrill is an Antient Town Grant. by the Gov^r of the Massachusets Settled and ever poss'ed by them — But if the Case had been otherwise It was but one Single Instance & the Act of a Single Court which can never be Considered as the Act of the Gov^r & this Shows how Groundless the New Hampshire Clamours are of ever having Encroached upon their Line when they could find out only this Single Instance to give of it & that an Instance Clearly ag^t them For whatever Grants the Massachusets had made prior to the Det^n in 1677 Immediately after the Det^n of the Massachusets made it fully Appear they withdrew all their Grants to any persons in any of the Towns in New Hampshire in Obedience & Conformity to the s^d Det^n

NOTE LIKEWISE — New Hampshire produced an Order of the Gov^r & Councill of that province in the year 1726 by which a Com'ee were Appointed to go & forbid any ℔sons possessing & Settling any of his Majestys Lands within the Limitts of New Hampshire under any Grant from the Massachusets at or near Pennycook — But

NOTE — It does not Appear that any of the Massachusets Settlers at Pennycook were forbid to go on with their Settlements under this Order & which if it had been done must have Appeared in the Journalls of the New Hampshire Counc^l by the Return which the Com'ee must have made

The Influence from which is very Strong in our favour is Clearly this that the Settlers there not going beyond the 3 Mile Line were not deemed by the New Hampshire Com'ee to be Encroachments or Settling on the Lands of New Hampshire Whereas if this Line was to be run as New Hampshire now Contend the Settling in any part of Pennycook tho even on the other side Merrimack was on the New Hampshire Lands And that it Appears by the afores^d Act 7° Geo : 2^di that the Massachusetts have made a Settlement there of 7 Miles Square & which has been Erected into a Town by Act of Assembly Confirmed by the Crown & that without any the least Objection from the New Hampshire people & which is the Strongest Evidence possible that New Hampshire themselves Considered this Settlement as in the province of the Massachusets & which it is Impossible it should be unless this Line is to run in the manner we Contend for.

NOTE — New Hampshire likewise Examined 5 Witnesses in Order to prove that what the Massachusets Insist on concerning the alteration of the Mouth of Merrimack & that the Black Rock formerly made part of the Mouth is ffalse & a Misrepresentation of the ffact, But

NOTE — What all these Witnesses Say is principally Negative that they know of no Alteration at the Rivers Mouth & all they Say Af-

firmatively is that they have lately viewed the Rivers Mouth & that it Appears to them as it did ever Since they have known it & all these witnesses live at a Great Distance from the place they are Speaking of & it is no Great Wonder if they Should be Ignorant of what was so Gradually & Impracticably done as the Change of this Rivers Mouth Considering too that it was out of the way of their daily Observation

Whereas we have by our Witnesses proved this ffact in the fullest manner possible & have Shewn the Occasion & manner of this Alteration which by our Evidence Appears to be this — There was formerly a Shoal Spit of Sand Runing without the Mouth of the River on which the Sand Gathered by Degrees and Joyned itself on the North Side of the Rivers Mouth & our Witnesses too further prove in the Affirmative & in the Clearest manner possible that the Black Rocks were formerly on the North Side of the Mouth of the River & that there has been a Breach Raised within these 60 Years which they now mend Yearly whereby the Mouth of the River runs or is now near a Mile more Southward.

Observe — New Hampshire Objects to our Witnesses on Acc^{t} of their being Sworn twice & for that we had thereby an Opportunity to Conferr with them which Occasioned a Difference in their Evidence but the reason of their being Sworn a 2^{d} time Appears from the proceedings and was to Avoid all Disputes on Account of their Deposic'ons being brought into Court ready Wrote And that New Hampshire might have full Opportunity of Cross Examining them — As to Conferring with the Witnesses All partys are known to do that before the Witnesses are Examined & otherwise it would be Impossible to be properly provided in any Case — Indeed was there any Matteriall Difference between the 2^{d} & the first Evidence that would be an Obj'on of Weight but there is no Instance of any Difference in the Testimony of our Witnesses Save only that one of them makes 4 or 5 Years Difference to his Age Owing to a Mistake on that head in the Written Deposic'on which is not at all Matteriall One way or other

We therefore hope the Lords will Determine in favour of the Curve Line contended for by the Massachusets

We likewise hope the Lords will Vary that part of the Determination of the Com^{rs} by which they have declared that the Line is to run West till it meets with his Majestys other Governm^{ts} *& that it shall be directed to run but* 60 *Miles because that is the Utmost Extent of New Hampshire* as fully Appears from the Reasons in our printed Case to which we will only add that Masons Grant of 1629 Ends at 60 Miles from the head of Merrimack so New Hampshire

Bounds ought to End there too & the Com^rs Judgment should have Extended no further & what is more is against or without any Authority in the Comis'on

With Regard to the Southern Boundary of the Massachusets or the Northern Boundary of New Hampshire

As the Determinac'on of this Boundary *Depends upon the Mathematicall Construction of the North Westward in the Massachusets Charter* in Order that we might have the best Satisfaction possible how this Dividing Line ought to run upon the point of the Compass we laid the Charter before D^r Halley & desired his Opinion how this Line ought to run Conformable to the true Naturall & Genuine meaning of the word North Westward & upon which the whole of the Que'on with regard to this Boundary will turn & accordingly D^r Hally was so kind as to give us his Opinion upon it in the following words & which Opinion under his hand we have ready to produce

The Opinion of Doctor Hally Astr Reg —

"Whenever a Line is intended to be run North a Small Matter to "the West the Usuall Way of Expressing it is by the word North "*Westerly* or if Accuracy is Required as in Boundarys of Lands with "the Addition of how many Degrees it is to the Westwards of the "North *but by North Westward is also Understood to be meant a di-* "*rection tending into the North West* or *in the Middle between the* "*North & west.*

"Now the Com^rs in favour to the pretences of New Hampshire "have been Willing to Understand North Westward as Synonimous "to North Westerly & in so doing have in my Opinion *Comitted a* "*Manifest Absurdity* in making a North Line the Northern Boun- "dary which Cannot be any other in this Case but an Eastern Boun- "dary to New Hampshire Whereas a North West Line Answers the "Intent of the Charter bounding it on the North.

"Also in the Description of the Eastern Boundary in the same "Charter the like Expression is Used Viz^t North East Ward from "the Mouth of Piscataqua Harbour to Sagadohock along the Sea "Coast Now it's Evident that that Tract of the Coast Runs nearly "due North East & not North 2 Degrees East these two things I "am of Opinion are little less than a Demonstration of the Intent of "the Charter

"One thing more is left in the present Case Undecided whether "the North or North West are to be taken according to the direc- "tion of the *Magneticall Compass or of the true Meridian* there being "at this time in New England ab^t a point Variation to the West "which will make a very Considerable difference in the Boundary

" Line as the One or the other is Applyed for two Degrees North
" Westerly from the true Meridian will be no less than 9 North
" Easterly from that of the Compass *and the true North West will*
" *become North West by North by Compass*

Note we have likewise another Mathematician Mr Warner who will Attend at the Hearing of this Matter to Offer his Opinion to their Lo'pps Viva Voce & who Entirely Agrees with Dr Halley in every part of his Opinion thô We think there can be very Little Occasion for his being called to this point which must be very Clear to every one who has but the least Knowledge of the Mathematicks

ffor every one knows there are 32 points in the Compass & that the 4 Cardinall points are East West North & South and that every Single point hath 11 Degrees 15 Minits so that from North to North West (which Contains 4 points of the Compass is 45 Degrees which to run upon a Streight Line for any Considerable Distance must make a Vast Difference between that and a Line to be run due North or two Degrees to the Westward or Westerly of the North.

When any one Expresses a Line to be Run North Ward-South Ward-East-Ward or West-Ward every Body Understands by this a Line to be run *due North due South due East* or *due West* & it would be preposterous against a Common Sence to Understand it otherwise

So Consequently for the Lesser points when the Line is Ordered to be Run North Westward It must by the same Rule be Understood to run Streight upon that point of the Compass direct which is the Naturall and Mathematicall Construction of it & cannot possibly be taken in any other Sence

And from hence it Clearly follows that when a Line is Directed to be run *North Westward* that Line must run *due North West* & to say it shall be Run North 2 Degrees West is altogether ridiculous for one might as well Say it should be be at one or two Degrees west from the North point as 2 Degrees bècause in taking the word in that Sense it must be Indefinite & Cannot with Truth & Justice be Reduced to a Certainty

We likewise Apprehend it's very plain from the Nature of the present Subject North Westward can mean Nothing but North West in this place for it's here Applyed in the Description of a Tract of Land & when the Description of the whole Boundarys are Compared —together & the sevl Terms of running up into the Land Crossing on the Land & passing along the Sea Shoar are Considered with this that the Sea Shore doth Actually lye North East & South West there the meaning of North westward will Appear with the Greatest Certainty to be as the Massachusets Contend for & that in a more

Confirmed Way than any Equivalent Explanatory Terms from any of our Greatest Mathematicians can possibly give them for if the Line is to run North Westerly as the Com^rs have Determined *then this Line Instead of a Northern will be an Earnest* [*Eastern*] *Boundary to New Hampshire Whereas a North West Line as D^r Halley very justly Observes Bounds New Hampshire on the North* And thereby Answers the Intent of the Charter And it is Difficult to Conceive how any one after having Consid^d the whole of these Boundarys & Compared them with one Another can ever think that in the Description of this Square the Course of the two first men'coned Sides (viz^t) North Westward should mean North two Degrees westerly & North Eastward should mean North two Degrees Easterly — Or that they can Admitt of any other Construction than that Contended for by the Massachusets.

We therefore Apprehend it to be Exceeding plain that the Com^rs ought to have Determined this Line to run due North West

We likewise Apprehend this Line ought *not* to have been directed to have been Continued till it meets with his Majestys other Governm^ts *but only till* 120 *Miles was finished* for the Reasons menc'oned in our printed Case & for that the province of Main goes no further than 120 Miles & New Hampshire on that Side is Bounded by the province of Main

NOTE — New Hampshire has Appealed from the Com^rs Determinac'on of this part of the Line for that the Com^rs have not given them *the whole River of Piscataqua* Insisting they have always had the Jurisdiction of the whole River & that they have built & maintained a ffort on the Massachusets Side of it

We have fully Answered this Objection in our printed Case & absolutely Deny the truth of the ffact here laid down & *New Hampshire have not made the least proof in Support of what* they now Insist on & the words of the Grants are very Clear & plain with us And upon this ffact being Asserted in the New Hampshire Appeal which was the first time it was ever mentioned & therefore we could not Examine to it below the Massachusets got two Gent. of Great Credit to make the following Affid^t which we have Transmitted under the province Seal.

Affid^t Rich^d Cutt Esq^r & Capt. W^m ffrost Sworn 13^th Dec^r 1737 — That they were born near Piscataqua River & lived there all their days & are well Acquainted with the said River — that there are severall Islands lying within the Mouth of the said River some of which lay nearest to the province of Maine & others Nearest to New Hampshire — That *all those that lay nearest to the province of Maine & on the North Side of the Great Ship Channel have ever since their Mem-*

ory been accounted to belong to Kittery in the province of Main and *have paid Taxes there* Except a Small Island called Clarks Island containing about 3 or 4 Acres on each Side of which runs a Ship Chanel *That all the other Islands that lay nearest New Hampshire have been Accounted to belong to New Hampshire and have paid Taxes there*

NOTE The said Richard Cutt lives at Kittery in the Massachusets province & *Cap^t ffrost is an Inhabitant of New Castle* in *New Hampshire*

NOTE by Comparing S^r fferdinando Gorges Grant (which was plainly designed to Convey a Square Tract of Land with the Massachusets present Charter) there Appears to be a whole Line of the Bounds in Gorges' Grant left out of the Charter thô it seems to be necessarily Understood by the Terms Exprest in the Charter./

[Masonian Papers, Vol. 4. p. 166.]

The aforewritten Exemplification (Consisting of Papers as Numbred in the Margins of y^e Sev^l sides) contains a true Copy of the whole proceedings in the Controversy between the Provinces of the Mass^a Bay & New Hamp^r respecting their Boundary lines, which We Attest under Our hands at Hampton in New Hampshire this 19^th day of October In the Eleventh year of the Reign of Our Sovereign Lord George the Second by the Grace of God of Great Britain France & Ireland King Defender of the Faith &c, Annoq Dom^ni 1737. —

} Commiss^rs

[Masonian Papers, Vol. 4, p. 167.]

May it please your Lordships.

In Obedience to His Maj^tys Royal Commission under the Great Seal of Great Britain to us (and others) directed, appointing us Commiss^rs to Settle y^e Boundary Lines between the Province's of the Mass^a Bay & New Hampshire, we have in pursuance thereof met divers times at this place, (with others of y^e Comm^rs now absent) and fully heard both parties & duly Considered their several pleas Evidences & proofs to us produced, and made up Our Judgment & determination thereupon ; All which will fully and at large appear by y^e Exemplification of the whole proceedings herewith Inclosed ; And

as we Esteem it Our Duty (more especially as Our Judgm^t or Determinac'on is Conditional in part) to lay the Same before his Most Sacred Majesty for his Royal Will & pleasure to be Signifyed therein, So we have Transmitted y^e Same to Your Lordships for that purpose, and have Adjourned the Court to y^e first day of August next, in Order to receive Any further Commands from His Majesty touching this affair, more particularly with respect to Stating & marking out Such Monuments & Boundaries as Shall be thought requisite, according as y^e Boundary lines may be determined in His Maj^tys Great wisdom. — We are with all due respect. Yo^r Lordships

Most Obed^t & Most hum^l Serv^ts

Hampton New England
October 19th 1737. —

Eras: J: Phillips,
Otho Hamilton
John Gardner
John Potter
Ezek^l Warner
Geo: Cornell.

The R^t Hon^ble the L^ds Com^rs for Trade & Plantations.

[*Extracts of Commissions.*]

[Masonian Papers, Vol. 4, p. 168.]

William and Mary by the Grace of God, King & Queen of England, Scotland, France & Ireland Defender of the faith &c^a To our trusty & well beloved Samuel Allen Esq^r Greeting. — We reposing especial trust and Confidence in the prudence courage and loyalty of you the said Samuel Allen, out of Our especial Grace certain knowledge & mere Motion have thot fit to Constitute and appoint, and by these presents do constitute & appoint you the Said Samuel Allen to be Our Governour & Commander in Chief of all that part of Our province of New Hampshire within our Dominion of New England in America, Lying & extending it self, from three miles northward of Merrimack River or any part thereof, unto the Province of Main with the south part of the Isles of Shoals. —

Copy of an intire paragraph in the late Governor Allen's Commission bearing date the first day of March in the fourth year of King William & Queen Mary. —

Certifyed ℔ Rich^d Waldron Sec^ry

William the third by the Grace of God, of England Scotland France and Ireland King Defender of the faith &c^a

To our Right trusty, & right well beloved Cousin Richard Earl of Bellomont Greeting. — We reposing especial trust and confidence in

the prudence courage and loyalty of you the said Earl of Bellomont, of OUR especial grace certain knowledge & mere motion have tho't fit to Constitute and appoint, and by these presents do constitute and appoint you the said Richard Earl of Bellomont to be OUR Governor and Commander in Chief of all that part of Our province of New Hampshire within OUR Dominion of New England in America, Lying and Extending it self, from three miles Northward of Merrimack River or any part thereof unto the Province of Main, with the south part of the Isles of Shoals —

Copy of an intire paragraph in the late Earl of Bellomont's Commission bearing date the Eighteenth day of June, in the ninth year of William the third —

Certifyed ℔ Rich[d] Waldron Sec[ry]

ANN by the Grace of GOD of England Scotland France and Ireland Queen, Defender of the faith &c[a]

TO OUR trusty and well beloved JOSEPH DUDLEY Esq[r] Greeting. — We reposing special trust & confidence in the prudence courage and loyalty of you the said Joseph Dudley, out of OUR especial Grace certain knowledge and mere motion have tho't fit to Constitute and appoint and by these presents do constitute and appoint you the said Joseph Dudley to be our Governour & Commander in Chief of all that part of OUR Province of New Hampshire within OUR Dominion of New England in America, Lying and Extending it self from three miles northward of Merrimack River or any part thereof unto the province of Main with the south part of the Isle of Shoals. —

Copy of an intire paragraph in the late Governor Dudley's Commission dated the first day of April in the first year of Queen Ann

Certifyed ℔ Rich[d] Waldron Sec[ry]

GEORGE by the Grace of God, of Great Britain, France & Ireland King, Defender of the faith &c[a] — To OUR trusty and well beloved Samuel Shute Esq[r] Greeting. —

WHEREAS WE did by OUR Letters Patent, under OUR Great seal of Great Britain bearing Date at Westminster the seventeenth day of March in the first year of OUR reign Constitute and Appoint our trusty and well beloved Elizeus Burges Esq[r] to be OUR Governor & Commander In Chief, of all that part of OUR Province of New Hampshire within OUR Dominion of New England in America Lying and Extending it self from three Miles northward of Merrimack River or any part thereof unto the Province of Main with the south part of the Isles of Shoals for and during OUR pleasure, as by our said recited letters patent relation being thereunto had may more fully and at large appear —

Now know you that We have Revoked & determined and by these presents do revoke & determine our pleasure aforesaid, and Every clause Article & thing in our said Recited Letters patent contain'd & thereby granted. — And further know you, That We reposing Especial trust & Confidence in the prudence courage and loyalty of you the Said Samuel Shute, of our Especial Grace certain knowledge & mere motion have tho't fit to Constitute & appoint, and by these presents do constitute and appoint you the Said Samuel Shute, to be Our Governor & Commander In Chief, in and over all that part of our Province of New Hampshire within our Dominion of New England In America, Lying and Extending it self, from three Miles northward of Merrimack River or any part thereof, unto the Province of Main, with the south part of the Isles of Shoals. —

Copy of Several Paragraphs in the late Governor Shutes Commission bearing date the fifteenth day of June in the second year of George the first.

Certifyed ℔ Rich[d] Waldron Sec[ry]

George the second by the Grace of God, of Great Britain France and Ireland King, Defender of the faith &c[a] To our trusty and well beloved William Burnet Esq[r] Greeting. — Whereas our late Royal Father of blessed Memory, did by His letters patent, under His Great Seal of Great Britain, bearing date at Westminster the fifteenth day of June in the second year of His Reign constitute and appoint Samuel Shute Esq[r] to be Governor & Commander in Chief of all that part of His province of New Hampshire within His Dominion of New England in America Lying and Extending it self from three miles northward of Merrimack River or any part thereof unto the province of Main with the south part of the Isles of Shoals dureing his will & pleasure, as by the said Recited Letters Patent (relation being thereunto had) may more fully and at large appear ; in which said office by virtue of the Statute in such case made & provided, the Said Sam[l] Shute was continued for the space of six months, from the time of the demise of Our said late Royal Father, and by virtue of our Royal proclamation for that purpose Issued bearing date the fifth day of July in the first year of Our Reign he is continued until our pleasure be further known or other provision be made Concerning the said office Now know you that We have revoked & determined and by these presents Do revoke & determine the Said Recited Letters patent and Every clause Article and thing therein contain'd and him the Said Samuel Shute We do remove from the said office by these presents — And further know you that We Reposing especial trust & confidence in the prudence courage and loyalty of you the said William Burnet, out of Our Especial Grace

certain knowledge & mere motion have tho't fit to constitute & appoint, and by these presents do constitute and appoint you the Said William Burnet to be OUR Governor & Commander in Chief of all that part of OUR province of New Hampshire within our Dominion of New England in America Lying and Extending it self from three miles northward of Merrimack River or any part thereof unto the Province of Main with the south part of the Isles of Shoals during OUR will & pleasure.

Copy of Several Paragraphs in the late Governor Burnets Commission dated the seventh day of March in the first year of His present Majesty's Reign —

Certifyed ℔ Rich[d] Waldron Sec[ry]

[*Extract from Gov. Belcher's Commission.*]

[Masonian Papers, Vol. 4, p. 169.]

GEORGE the second by the Grace of God of Great Britain France and Ireland King Defend[r] of the faith &c[a] To OUR trusty & well beloved Jonathan Belcher Esq[r] Greeting — KNOW YOU that WE reposing especial trust & Confidance in the prudence courage and loyalty of you the said Jonathan Belcher of OUR Especial Grace certain knowledge and mere motion, have tho't fit to Constitute & appoint, and by these presents do constitute and appoint you the said Jonathan Belcher to be OUR Governor and Commander In Chief of OUR province of New Hampshire within OUR Dominion of New England in America —

AND WE do hereby likewise give and grant unto you, full power and Authority, by & with the advice of OUR said Council to agree with the Inhabitants of OUR Said province for such lands tenements & hereditaments as now are or hereafter shall be in OUR power to dispose of and them to Grant to any person or persons for such terms, & under such moderate Quit rents services Acknowledgments to be thereupon Reserved unto us as you by and with the advice aforesaid shall think fit, which said Grants are to pass and be sealed by OUR Seal of New Hampshire, and being Entered upon Record by such Officer or Officers as you shall Appoint thereunto shall be good & Effectual in Law against Us OUR heirs & Successors. —

COPY of two Intire paragraphs in the Commission of King George the second to Governor Belcher bearing date the twenty Eighth day January in the third year of His Majesty's Reign —

Certifyed ℔ Rich[d] Waldron Sec[ry]

[*Memoranda of Dates and Events.*]

[Masonian Papers, Vol. 4, p. 170.]

memorandums —

Colony of y^e^ Mass^a^ Bay Erected into a Corporation Gov^mt^ in 4^th^ year of King Charles y^e^ first y^e^ 4^th^ day of march 1628 —

Prov^s^ of Main erected 1639 by D^o^

Commissioners Court for Settling Boundaries between y^e^ Prov^s^ of Mass^a^ Bay & N : Hampshire sot Aug: 1737

Kingston Charter granted by Leiu^t^ Gov^r^ Usher in y^e^ Sixth year of y^e^ Reign of William & Mary anno Domini 1694 —

King James 3^d^ day Nov^r^ 1620 – in y^e^ 18^th^ year of his Reign Granted to y^e^ Council of New England & their successors & assines y^t^ part of y^e^ main Land in america lying between y^e^ degrees of 40 & 48 north Latitude to be held after y^e^ manno of East Greenwich in y^e^ County of Kent &^ca^ &^ca^ – which Council by Several grants bearing date 9: march 1621 – 7^th^ Nov^r^ 1629 : 22 April 1635. Instated in fee sundry great Tracts of Land in new England by y^e^ name of new Hampshire —

King Charles y^e^ first granted to S^r^ Ferdinando Gorges y^e^ Province of Main & y^e^ Government thereof in y^e^ 15^th^ year of his Rign

Chester Charter was granted by Govern^r^ Shute y^e^ 8^th^ of may in y^e^ 8^th^ year of y^e^ Reign of Geo: y^e^ first 1722

Government of New Hampshire was by King Charles y^e^ Second in y^e^ 31^st^ year of his Reign Erected and Constituted to be by a President and Council and John Cutts was appointed y^e^ first president

London dery Charter was granted Gov^r^ Shute 21 day of June, 1722 –

Towns Bounds Settled by a Committee Dec^r^ 4^th^ 1768 —

[*Expenses of Commission*, 1737.]

[Mss. Prov. Boundaries, p. 130.]

An Accompt of The cost of y^e^ Commission under the Broad Seal appointing Commissioners to Settle the boundery lines between His Majestys Provinces of New Hampshire and The Massachusetts bay and the Expences of the Commissioners in Executing the Same viz^t^

To The cost of said Commission in Sterling money .	£135 : 4 : 6
Exchange on ditto @ 450 ℔ c^t^	608 : 10 : 3
	£743 : 14 : 9
To cash paid Benj^a^ Acremen for fetching y^e^ Comis^o^ from Boston	6..10..—
To cash paid for a Trunk to keep y^e^ Comis^o^ and papers in	1..10..—

To d° p^{d} for 5 quire paper for y^{e} clerks . .	£1..10..—
To cash paid M^{r} Harvey per Acc^{t} for entertaining the Commissioners	27:15.. 6
To Chaise hire for the Commissioners and Transporting some of their things . . .	2:18:—
To cash paid M^{r} Pray for Lodging and entertaining y^{e} Commission^{rs}	11:10: 6
To cash paid M^{r} Syms par Acc^{t} for d° . .	15:—..—
To cash paid horse hire for Comissioners .	5.. ——
To cash paid Maj^{r} Joshua Wingates's ac^{t} of Entertainment for y^{e} Commissioners while att Hampton —	280: 5. 6
To cash paid M^{r} Edmond Rands bill for keeping y^{e} Commissioners horses	10: 2:11
To cash paid M^{rs} Lovells bill for Lodging the Commissioners, &c —	4:—..—
To cash paid Jeremy Libby for keeping the Commissioners horses	3. 12:—
To cash paid John Browns bill for the expences of Commissioners when they first opened the Commission —	25. 8. 7
To cash paid Edward Pendexter his Bill for transporting the Commisioners goods to Hampton	2:10:—
To cash p^{d} Sam^{l} Marsten for Ditto — . .	2..—..—
To cash p^{d} Moses Ingram his bill for entertaining M^{r} Skeen while at York	9. 12. 6
To cash paid Shooing Commisoners horses .	1: 4:—
To The expence of a schooner & other charges arrising in conveying the Commisioners from Annopolis –	103. 8. 7
To cash paid Cap^{t} Donnel for bring 2 commissioners from Annopolis	25..—
To Cash paid Sam: Lovets bill for keeping y^{e} Commissioners horses	12: 5: 6
To cash paid M^{r} Mackins Shaving the Commissioners —	— 10..—
To cash paid M^{r} Lamprey Transport^{g} commisioners things –	2..—
	£1297: 8: 4

Geo. Jaffrey
Jotham Odiorne
Theodore Atkinson
And^{r} Wiggin
Tho^{s} Packer
James Jeffry
} Committee

[*Letter on Boundary Line Question*, 1737.]

[Farmer's Town Papers 2–3.]

Boston Sept^{r} 29, 1737 —

Sir In Answer to yo^{r} letter publish'd in y^{e} Boston Gazette the 19th Instant It has been rumourd some people have boasted before the putting off of their harness, but I can't learn There is any Real danger of our Charter's shaking, or Sufficient reason for the poor Country People being frighted. It is not worth while to say any thing of those or of their purposes who never intended to return from the Seige of Troy til they had accomplished a victory no nor whether they who carry on y^{e} Charge of war nor of y^{e} Matter of oral Argumentation These things are not much to y^{e} Main point it is Certain, the N H Agents have given under their hands (in their Claim) That their prov: lyes principally between that which was *formerly* the Collony of the Mass^{a} Bay & the Tract of land *Then* Call'd the Province of Main which are now incorporated into one Province by the Charter of King William & Queen Mary, and that the Court have determined, If the Charter of K W & Q M grants all the lands which were granted by the Charter of K C y^{e} 1st that the line Shall Run parallel wth the River &c^{a} from whence tis plain & y^{e} Court made a doubt on a point w^{ch} the Agents of New Hamp^{r} had determined agst themselves & by which they are forever Estopped from having any other line than what our Agents have offered 'em unless by Composition, or y^{e} Mere condescention & allowance of our Gen^{l} Court, but to wave y^{e} point w^{ch} thro precipitancy and a too great dependency upon certain as well as swift Success they have given up, you may plainly descern from the plain words of the Charter that you are safe, unless you Should be offered in Sacrifice to appease the wrath

The question in y^{e} Judgment is

Whether the New Charter grants all the lands that ye old did and if yea Then the line is to be as Mass^{a} asks it if nay, then as New Hamp^{r} asks it I answer in the Affirm^{a} y^{t} y^{e} New grants y^{e} all y^{e} lands that y^{e} old did

1. The New Charter Says the Colonys Commonly called or known by the name of Mass^{a} &c we incorporate now what was commonly calld & known by the name of Mass^{a} was denominated so from being comprehended in the old Charter Ergo

2 The New Charter says 18 Councell^{rs} Shall be Annually chosen of the Inhabitants of or proprietors of lands within the Territory

formerly called the Col° of y^e^ Mass^a^ Bay — Now if the New Charter does not grant all the lands w^ch^ the old did, then 18 Councell^rs^ may be Chosen to serve in y^e^ Mass^a^ Governm^t^ w^ch^ have no lands nor are Residents within the Same —

3 The New Charter says the Gov^r^ & Gen^l^ Assem^y^ may make & pass any Grants of land lying within the bounds of the Colony formerly called y^e^ Colony of y^e^ Mass^a^ Bay in Such manner as heretofore yy might have done by virtue of any former Charter or letters patent

[Endorsed] Answer to Rumford letter

[In handwriting of Richard Waldron.]

[*Vote of Council and House*, 1737.]

[Mss. "Town Boundaries" p. 99, and Mss. Prov. Boundaries p. 150.]

Whereas the Province of the Massachusetts-bay has Entred their Appeal against the Judgment of the Hon^ble^ the Commison^rs^ in the Affair of the Lines and for Defending the Same: and for prosecuting that affair on the Part of New Hampshire before his Majesty in Council.

In the House of Representatives.—

Whereas John Tomlinson of London Esq^r^ hath hitherto as Agent, managed that Affair w^th^ extraordinary care and Diligence.

Voted That the said Jn° Tomlinson be and is hereby desired and impower'd to carry on that Affair as Agent for the Province of New Hampshire before His Majesty in Council

8^br^ 15^th^ 1737 James Jeffry Clark Assem^ly^

8^br^ 17^th^ 1737. sent up for Concurrence

In Coun^l^ Oct^r^ 17, 1737

Whereas This Board has never been Acquainted in form that the Mass^a^ has appealed, nor, that M^r^ Tomlinson has hitherto managed the affair of the line with Such Extraordinary care as is mentioned in the above Vote; And besides the Said M^r^ Tomlinson neither is, or ever was An Agent for this province and Forasmuch as the Council are of opinion, that it is not for the interest of this province Either to Appeal, or defend ag^st^ any appeal, made or to be made from the

judgm^{t} of the Hon^{ble} Commissioners but that it is best humbly to submit the Matter as it now stands to His Majestys Royal pleasure

Therefore Voted a noncurrence with the above vote

R W Sec^{ry}

[*Vote of N. H. House Proposing Subscriptions*, 1737.]

[Mss. Prov. Boundaries, p. 154.]

Whereas the Hon^{ble} Commiss^{rs} has now made an End of their Court: and Made up y^{r} Judgm^{t} & final determination, from which the Province of the Mass^{a} Bay has fil'd their Appeal in form: and this Province of New hamps^{r} (that is the Committee by direction of the House of Representativs) has fil'd their Exceptions to what they tho^{t} convenient And whereas the affaire has been attended with great Expence and this House has Endeavour'd to Raise Money on the Publick But the Councill will not come into Raising any money: or to prosecute any Appeal or Exception: or Deffend ag^{t} the Mass^{a} appeale: But that the affaire may not now fall thrô, affter so much Expence: and so faire a prospect of obtaining our desiers this House has tho^{t} fitt to appoint and Authorize the Committee that has Mannaged that affaire before the Commiss^{rs} to transm^{t} the Coppys of the Case home to the agent and to prosecute and defend the same to finall Conclusion before his Maj^{tie} in Councill, & since that the Councill will not Come into any Measurs to Raise money to Carry on that affaire nor to pay what is already Expended:

Therefore this House thinks it verry Reasonable to Recomend It to the Severall Towns in this Province for the Inhabitants to Contribute what they please to carry on the affaire before his Maj^{tie} in Councill (which they may put into the hands of some of their Inhabitants to be paid said Committee for the use affore Said): and that an account be Keept of Each Mans subscription that if the publick Shall hereafter pay the Charges Each ℘son may & shall receive his Money againe: or some other ample Satisfaction

By Order of the House James Jeffry Cle^{r} Ass^{m}

8^{r} 20th 1737

[*Vote of N. H. House about Payment of Expenses*, 1737.]

[Mss. Prov. Boundaries, p. 153.]

In the House of Representativs

The above vote of Council Read: And find the Councill By this vote and a former has Seem'd to make Provision for payment of the Hon^ble^ Commiss^rs^ for Each day of their being in the Execution of their Commission for settling the Lines : and in Neither of the votes taken any Notice of their Charges, and payment to any of the Clerks Surveyor Dore Keeper &c^a^ Which the Judgm^t^ of the Said Commiss^rs^ Says Shall be Equally Born by the Respective Provinces, and whereas there are votes of this House that have ben Some time with the Councill which Makes Provision for payment, as well of the Officers as Commiss^rs^ : and all money Bills first proceeds from this House : according to all Parliamentary proceedings therefor this House Non-concurrs the above Vote of the Councill ; and adhers to their own Votes for the Raising Money for the paym^t^ of the Commiss^rs^ (who are gon before the above Vote of Councell Came to the House) & for paym^t^ of the officers & Charges arising by Entertaining s^d^ Commiss^rs^ &c^a^

8^r^ 20^th^ 1737 James Jeffry Cle^r^ Ass^m^

[*Letter to Samuel Holden of London*, 1737.]

[Mass. Archives, Vol. 52, p. 462.]

Honourable Sir,

There are so many instances of Your kind disposition towards this Province, and You having been pleased to signify to us such a readiness to assist us and consult Our interest on any Emergency, when you declined our choice of you into the Agency — We hope, it will not be tho't presuming, to ask your favour and help in the Controversy between this Province and New Hampshire, concerning the Boundarys or Lines between them ; It is an affair of very great Consequence to us, for the Claim of New Hampshire is so Extravagant, that if they should Succeed We should lose more than One third of what We always have, and now do Judge, belongs to this Province, and which We have in great part Granted to Particular Persons or for Townships.

The General Court have for this Important Affair, Chosen the Honourable Edmund Quincy, Esq[r] a member of the Council here, and One of the Justices of the Superiour Court, and Richard Partridge Esq[r] of London, to be Joynt Agents with Francis Wilks Esq[r]. Colonel Quincy will give you full information in this Matter, in which he was an Agent for the Province when the Matter was Pleaded before the Kings Commissioners here.—

We Doubt not but You will be so Particularly informed by the Agents, as to see the Justice of Our Cause, And as the Right is most undisputably with Us, so it is of great consequence to Our future tranquility and peace, that the determination by His Majesty in Council, be in Our favour.

We are so Assured that Justice and Equity are with Us, that Our great Concern is, that the Cause may be fully Opened and Understood, in forwarding which and in removing any difficulty in the way of it, We are very desireous of Your Assistance.

In Council, Dec. 28, 1737; Read & Accepted with the Amendm[t] Sent down for Concurrence J Willard Sec'ry

In the House of Rep[tives] Dec[r] 28[th] 1737
Read and Concurr'd J Quincy Sp[kr]
Consented to, J Belcher

[The amendment is in the hand-writing of Secretary Willard, and is offered as a substitute for the section in Italics, as follows:]

Forasmuch as you have given so many Instances of your kind Dispositions towards this Province & were pleased when you declined our Choice of you into the Agency to signify to us your readiness to assist us & consult our Interest in any Emergency, we are induced—

[*Petition from Inhabitants of New Hampshire*, 1737/8.]

[Mass. Archives, Vol. 5. 197.]

To the Right Hon[ble] the Lords Commiss[rs] for Trade & Plantations

May it please your Lordships—

We the Subscribers his Majestys Dutifull and Loyall Subjects of his Majestys Province of New Hampshire in New England most humbly Crave Leave to Remonstrate to your Lord[ps] that notwithstanding the repeat[d] Endeavours of his Majestys Government to have the Boundary Lines between this & y[e] Governm[t] of the Massachusetts settled and determined, yet the controversy still Subsists to y[e]

great Detriment Disquiet & allmost Ruin of many of us who have already settled & made Improvements to y^e^ discouragement of all to whom Lands near our Supposed Line have been granted by this his Majestys Governm^t^ who have for many Years & continue still to be harrassed by people of y^e^ Massachusets by Contentious Law suits commenc'd against some for Entring upon and Improving Land Granted to them many Miles to y^e^ Northward of our Line which we apprehend to begin three Miles to the Northward at the Mouth of Merrimack River and from thence a West Line into the main Land some have been arrested more than ten Miles to the Northward of that Line & Draged out of their dwelling by the hair of the head Imprison'd try'd & Condemned in great Costs In y^e^ Courts of y^e^ Massach^ts^ & Ejected out of their possessions & Improvements & lately an house Erected for y^e^ Publick Worship & Defence, Pull'd down & Burnt & those Lands Granted by the Massachu^ts^ to others of his Majestys Subjects there, since the Grants of this Government, Wherefore we most humbly pray Your Lordships favour that our distressed Circumstances may be presented to his most Gracious Majesty & Addressed that out of his Abundant Goodness, Clemency & Justice he would Interpose and give his Royall Orders that the boundary Lines in Dispute between the two Provinces be Assertained & Determined & Our great Grievances Redressed as in His Great Wisdom shall seem meet & your Petitioners shall as in Duty Bound every Pray. Exd Coppy

Sign'd by One hundred & four Persons Inhabitants.—

With Seven more Petitions Intituled as Inclos'd in y^e^ same words with y^e^ foregoing

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[*Petition of N. H. House to King against Gov. Belcher.*]

[Mss. Prov. Boundaries, p. 116.]

To His Most Excellent Majesty

The humble Petition of your Maj^ties^ most duty full and Loyall Sub jects the House of Representativs of your Maj^ties^ Province of Newhampshire in New England Most humbly Sheweth.

That the many & great Encrochments, made by the Massachusets Goverment by Extending Jurisdiction and Property over great part of this your Maj^ties^ Prov^e^ of N Hamp^r^ togeather with their Commencing Severall Law Suits ag^t^ ℔sons that Lived ten or twelve Miles to the North of any part of Merrymack River tryable at the Courts of

the County of Essex in S^d^ Mass^a^ and Draging them into their Prisons & condemning them in Excessive Cost and Charges, for pretended Trespasses on the Land they Live upon there as also that Goverments Selling and Granting Land many Miles within this Province Incited the Ass^m^ of this your Maj^ties^ Province, to Vote John Rindge Esq^r^ an Agent to be employed in behalfe of this Goverm^t^ to Represent the affaire and Petition your Maj^tie^ that the Long depending Controversie about the Boundarys of the Provinces Might be Determined, as in your great Wisdom Yo^r^ Maj^tie^ Should Direct, But because the Said John Rindge Esq^r^ (as we humbly Apprehend) was not acceptable to his Excell^cie^ Gov^r^ Belcher a Majority of the Councill disagreed to the Vote, And the Said Councill and Assem^y^, not agreeing upon a Suitable ℔son, The House of Representatives being sensible that it was the Great Desier of the People they Represented, that the Boundaries between the two Prov^es^ Should be Settled, and the Suffering Borderers neare the line Relieved & Quieted in their Possessions: The House of Representatives voted the Said John Rindge Esq^r^, to be theire Agent for the Purposes affore Said, who did Repaire to Great Brittaine & Petitioned yo^r^ Maj^tie^, that the Boundary Lines of this & the Mass^a^ Province might be Setled & fixed. — In Consequence of which yo^r^ Maj^tie^ was Gratiously Pleasd in Councill to Order a Commiss^n^ under the Great Seal Appointing Commiss^rs^ to determine and fix the Boundarys here upon the Spot who in Obedience thereto met on the first day of August, when this Province made & put in their Demand, (tho the Mass^a^ did not put in theirs until the tenth, notwithstanding it was yo^r^ Maj^ties^ Express direction, that the Demands of both Provinces Should be made and put in the first day of the Commiss^rs^ meeting) after the Considering the Demands of Both Prov^s^, on the Second day of Sep^t^ last, the Said Commiss^rs^ Published their Determination a Coppy of which is humbly presented herewith, from which this your Maj^ties^ Province would have appealed to your Maj^tie^ in Councill: being agrieved thereby, because that the Black Rocks mentioned therein, from whence three Miles North the southern boundary is to begin is Neare a Mile from the Mouth of Merrymack River and about three Quarters of a Mile North of it where it Empties it Selfe into the Atlantick Sea or Ocean, By which Means this Your Maj^ties^ Province Looses three Quarters of a Mile throughout the whole Length of it upon a West Line, for it is humbly conceived that the Southern Boundary of this Province Ought to begin three Miles North of the Mouth of Merrym^k^ River and from thence to Run West: And the Northern Boundary by the Said Determination, or Judgment is to be the Midle of Piscataqua River: Whereas all the River has always been within the Jurisdiction of

Newhampshire Goverm^{t} and the Mass^{a} never pretended to Claime it. But So it is.

His Excell^{y} the Govern^{r} did not give this Province an oppertunity to make an Appeale as is Directed in Said Commiss^{n} for within three Hours after the Judgm^{t} & Determination of the Commiss^{rs} was Published, the Gov^{r} Proroug'd the Gen^{ll} Ass^{m} of this Province (who were Sitting ab^{t} two Miles Distant from the Commiss^{rs} Court, to the verry day before the Commiss^{rs} were to meet to Receive the appeal of the Province agrieved, and before a Copy of the Judgment could be obtained which Sudden Prorogation and so Short a time before the Commiss^{rs} meeting, this yo^{r} Maj^{ties} Province is Strip'd and Debar'd Makeing and Entring an Appeal according to your Maj^{ties} Most Gratious Indulgence in the Said Commiss^{n}, and at the Same time the Govornour continued the Great & Gen^{ll} Court of the Mass^{a} Bay Sitting Severall days to consider & Resolve on the Appeal, They then Voted to make : and then He prorogued them to two dayes before the Commiss^{rs} meeting to receive it ; And we most humbly Crave Leave further to Remonstrate to your Most Excellent Majesty that the Charge and Expences of the affore Said John Rindge Esq^{r} in prosecuting this affaire of the Lines in the obtaining the Commiss^{n} under the Great Seal and taking it out has been carryed on by him selfe and Some other well disposed to the Interest of this your Maj^{ties} Goverment & Province for no Money could be obtained from the Governour & Councill untill Last April the Gen^{ll} Assembly granted a Small Matter, not one fifth part of the Sume advanced, altho the Representatives often Voted Money for that purpose, their votes were always Disagreed by a Majority of the Councill, and Even while the Commiss^{rs} were Sitting in pursuance of yo^{r} Maj^{ties} Royall Commiss^{n} & putting it in Execution the House of Represenatives voted a Small sume for their Expences, a Majority of the Councill disagreed thereto thô they were Sensible y^{t} what was granted before for the Reception and Entertaiment of the Commiss^{rs} was not half Sufficient for that purpose they having been wholly at the Charge of this Province — which Conduct of the Said Councillours we humbly Apprehend was wholly owing to the very great and undue Influence of the Govorn^{r} over them, who are dependant upon him for Posts of Honour and Profit he had promoted them to.

The Governour Neglecting to propose to the Councill and Assembly to Choose publick Officers, on whom or at whose place of abode the Determination of the Commiss^{rs} Should be Served or left : untill ten days after the first Meeting of the Commiss^{rs} whose names ought to have been Sent to them the first day, by which means this Province might have been proceeded ag^{t} Ex parte agreeable to the Tenour of

the Commiss^on^ The Discouraging & not granting Money for Carrying on the Important affaire of Setling the Boundaries of the Province, & not giving time & oppertunity to the Gen^ll^ Ass^m^ to Consider of and prepare an Appeal from the Judgment and Determination of the Commiss^rs^ We humbly Apprehend to be a Great grievance, and most humbly Intreat Your Maj^tie^ in Councill will gratiously be pleased So to Order as that the Judgment and Determination of the Comiss^rs^ may not be wholly Approved of By your Maj^tie^ Nor the Govornours conduct in this affaire be detrimentall to your Maj^ties^ Most dutyfull and most Loyall Province of N Hamp^r^ But that the southern Boundary thereof may be fix'd, to be a West Line from 3 mile North of the Middle of the Mouth of Merrymack River where it Empties it Selfe into the Atlantic Ocean: and Continued untill it meet your Maj^ties^ other Goverments to the Westward and that on the north part the River of Piscataqua may Remaine fully to the Province of New hampshire as formerly

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[*Order on N. H. Petition against Gov. Belcher*, 1737/8.]

[Mss. Prov. Boundaries, p. 105.]

At the Council Chamber Whitehall the 7^th^ Day of February 1737.

By the Right Honourable the Lords of the Committee of Council for hearing Complaints from the Plantations. —

Whereas by Order in Council of the 6^th^ of this Instant there stands referred to this Committee the humble Petition of the Representatives of His Majesty's Province of New-Hampshire in New-England complaining of the Proceedings of the Governour of that Province for several years past, and particularly with Regard to the executing His Majesty's Commission for settling the Boundaries between the said Province & the Province of the Massachusetts Bay, & humbly praying, that His Majesty would be graciously pleased to receive from their Agent John Thomlinson Esq^r^ the Proofs of the several matters therein alledged, & such further Informations as may be necessary to set their melancholy Circumstances in a true light, & that His Majesty will be pleased to grant them such speedy Relief, as in his Royal Goodness shall seem meet: Their Lordships this Day took the same into Consideration, & are thereupon pleased to order, that the said Petition (a Copy whereof is hereunto annexed) be transmitted to Jonathan Belcher Esq^r^ His Majesty's Gov^r^ of the said Province

of New-Hampshire, who is hereby required to return his answer thereunto in writing to this Committee with all convenient Speed. —

[*Petition of Jonathan Belcher against John Rindge*, 1737/8.]

[Mss. Prov. Boundaries, p. 107.]

To the King's Most Excellent Majesty in Council —

The Memorial of Jonathan Belcher in behalf of his Father Jonathan Belcher Esq Your Majesty's Gov^{r} of the Province of New-Hamp-sh^{r} in New England —

Most humbly sheweth —

That your Memorialist is informed, that the Lords Commiss^{rs} for Trade and Plantations have recommended M^{r} John Rindge of Portsmouth in New-Hampshire to your Majesty as a Person qualified to be a Member of your Majesty's Council in the Province aforesaid.

That your Majesty's Gov^{r} can fully make appear, that the said Rindge has constantly opposed all such Measures as have been proposed & deemed necessary by the said Governour for your Majesty's Interest & Service in the said Province.

That the said Rindge has joined in exhibiting a Complaint from the Assembly of the said Province against your Majesty's said Governour, in which the said Governour is loaded with general Invectives, & his Administration stiled arbitrary, partial, & oppressive, without specifying the least Instance of Oppression or Partiality, & upon the face of the Complaint it appears, that the Assembly (of which the said Rindge was then a Member) voted, that the Administration of your Majesty's said Governour was a Grievance, without mentioning any Particulars, and before any Remonstrance or Complaint exhibited to your Majesty, which your Memorialist humbly concieves was calculated to prejudice the minds of your Majesty's good Subjects in the said Province, & to retard and weaken the measures of the said Governour in his Administration for your Majesty's Honour & Service, & by the said Vote they assumed a Right of arraigning & condemning the Conduct of your Majesty's Governour, which your Memorialist apprehends is a Step without Precedent, and tends to defeat and destroy all the Ends of your Majesty's Royal Commission and Instructions.

That your Memorialist concieves it to be of the highest Importance to your Majesty's Service that all the Members of your Majesty's

said Council be well affected to such Measures as the Governour (in whom your Majesty is graciously pleas'd to repose a special Trust and Confidence) may judge necessary for your Majesty's Honour and Interest, & especially, as your Majesty's Council are the immediate Balance between the Gov^r & the Assembly, & your Majesty's said Governour is therefore specially instructed to nominate & recommend such Persons, as he may deem fit, suitable, & well affected to your Majesty's Service, & for the same Reason by the Royal Charter to your Majesty's Province of the Massachusetts Bay, the Governours for the time being are allowed a Negative upon every Councellour of the Province, & in all your Majesty's other Governments the Gov^rs are instructed and permitted to recommend fit & proper Persons to be of your Majesty's Councils.

WHEREFORE your Memorialist most humbly prays, that your Majesty will be graciously pleased to allow the said Gov^r time to urge his Reasons against the said M^r Rindge's appointment, especially, as the said Complaint (to which the said Rindge is a Party) is now depending, and wholly undetermined; & that your Majesty's said Gov^r may be permitted to recommend a proper person to be of your Majesty's Council in the said Province agreeable to your Majesty's Royal Instruction to him in that behalf.

And your Memorialist, as in strict Duty bound, will ever pray &c^a

Middle-Temple Jon^a Belcher

Febru^a 9^th 1737. —

[*Petition from Boundary Line Commissioners*, 1737/8.]

[Mss. "Town Boundaries," p. 89.]

To His Excellency Jonathan Belcher Esqr Captain General and Commander in Chief in and over His Majesties Provinces of the Massachusetts Bay and New Hampshire &c —

We the subscribers two of the Nova Scotia Commissioners appointed by His Majesty to settle the Boundary Lines between the said Provinces beg leave to represent to Your Excellency. —

That the affair of the Line has detained us here so long that we had not a seasonable time nor opportunity all this while to return to our Families at Annapolis, which has put us to a very great and extraordinary Expence —

That we wrote on this head some time ago to the Province Agents for some further Allowance on that account, but have not yet received any Answer

We therefore think our Selves obliged to apply to Your Excellency as Governour of both Provinces for some Releif for the hardships we have suffered by our long Attendance —

That in Case the Government will take the same into Consideration, and make us a proper Allowance for the time past, we are still willing to wait here His Majesties further pleasure in relation to the Lines, otherwise we shall be obliged to proceed by the first opportunity to Annapolis.

And as the Province of New Hampshire has not paid us that small sum, they Agreed with the Agents of this Province to give the Commissioners, nor given them any hope when they will; we beg leave to desire Your Excellency will be pleased to lay their Case before *His Majesties Council* and that your Excellency and they will think of some Expedient to Obtain for us, some reasonable Allowance for our tarrying here so long, and likewise the sum promised by New Hampshire, in which this Province can run No risque since the whole Charge of the Commissioners must be equally borne at last by both Provinces —

We are Your Excellency's Most obedient and most humble Servants

Boston March 1st 1737/8 — Eras Jas Phillips
Otho Hamilton

A true Copy Exam[d] — ℔ Simon Frost Depy Secry

[*Agent Partridge to Secretary Willard*, 1738.]

[Mass. Archives, Vol. 52, p. 475.]

Secretary Willard

I duely rec'd thy letter notifying my being appointed to the Agency of the Massachusets Bay in conjunction with Col° Quincy & Francis Wilks Esqr for pursuing the Appeal from the Judgment of the Commissrs respecting the contested Boundaries between that Province & New Hampshire. — Since which I have thy favour of ye 17 Decr last accompanying the joint Commission and referring me to the Instructions to Agent Wilkes, For thy care in these Articles I must desire thee to accept my sincere thanks, And through thy hands I take the liberty of passing my gratefull Acknowledgments to the General Court for the Honour they have done me in a Trust of such Importance,

The death of Col° Quincy together with the business of Parliament has hitherto retarded any effectual Progress in the Appeal; But as Agent Wilks and I are now concerting suitable Measures for the Hearing, I think it my duty to assure the Assembly of my disposition & zealous Endeavours for their interest on this occasion, and if I can be of any particular advantage to thine thou mayst intirely depend on the best Services of

The Assemblys and Thy assured Friend

London 4th m° (or June) 15, 1738 Rich^d Partridge

[*Samuel Holden to Secretary Willard*, 1738.]

[Mass. Archives, Vol. 52, p. 476.]

London y^e 17th June 1738

M^r Secretary

Sir. I have y^e honour of your Letter of y^e 28th Decem^r relating to y^e Affair of y^e Boundarys between your province & New Hampshire; wherein as occasion offers, I shall gladly render you y^e best services I am able.

As this is an Affair of Right, & not of ffavour, I am so fully perswaded of y^e honour & Justice of y^e Lords of his Majes^t privy Counsill that I think you need not be under y^e least apprehension, but that their determination will be according to y^e strictest rules of Justice, as it appears to them.

But in case y^e Gentl'm on y^e other side should attempt to injure you by any falce representations; I have assured M^r Wilks that upon notice thereof, I will endeavour to remove the prejudices that may arrise from them, with such of y^e Lords of y^e Council with whom I have y^e honour to be accquainted.

I truly condole with you y^e loss sustained by y^e death of the Honorab' Judge Quincy, & my own that I had not y^e knowledge of, & a more intimate accquaintance with so valuable a Gentl'm: whom it has pleased God to remove to a better & more peaceable State. I am Sir

Your most Humble & most Obed^t Serv^t

Samuel Holden

[*Massachusetts Agents to Secretary Willard*, 1738.]

[Mass. Archives, Vol. 52, p. 478.]

London 6th July 1738.

Mr Secretary Willard

Sir. We take this Oppertunity to Acquain The Generall Court with our proceeding in the Affair Committed to our Care; We have Carefully Examin'd all the papers & proceedings in the Case, have had several Meetings with our solicitor & Councill in Order to make them Masters of all the Circumstances and Arguments in favour of the Massachusets but not having had the least Encouragement that the Matter Could be brought on to be heard before The Rt Honble Lords of the Committee before the usual time of their Adjournment for the latter end of the Summer, We Judg'd it would be rather a Damage than Advantage to proceed too far, And then have the whole to go over again in about the Month of October, no more Committee's being expected before that time. We shall prepare every thing Against their first Meetings in ye Fall. The General Court may depend upon our exerting our utmost Endeavours for their Interest & Service therein as shall from time to time duly advise of our proceedings; We have omitted for some time Acquainting you that upon examining the Papers left by Colle Quincy, We found wanting the withinmention'd which We expected must been in some hand here that he had lent them to, but upon strict enquiry can't find any body had 'em therefore if you can by the first Oppertunity furnish us wth Duplicates it may be of Service. We Apprehend the said Papers must have been left in New England for that it is impossible they should be lost here. We are with great Respects to the General Court

Their Faithfull Friends & Humble Servant

Fra Wilks
Richd Partridge

The Papers Wanting which are Mention'd in a List of Papers prepared for the Agent in New England Vizt

No 10. Mitchells plan
11. Sr Ferdinando Gorges patent the Original
13. King Charles the 2rds Letter 1683. Authenticated
14. Ferd. Gorge Esqr Deed to Lt Govr Usher Authenticated
15. Lt Govr Usher Deed to the Govr & Compa of Massachusets Authenticated.

[*Reply to the foregoing Letter*, 1738.]

[Mass. Archives, Vol. 53, p. 11.]

Boston Sept^{r} 1 1738

Gentlemen It is surprizing to us that so many papers you mention in yours of July 6 are wanting, & especially that one so important as that of Sir fferdinando Gorges Patent of the Province of main ; by Col^{l} Quincey's letter, we are satisfied of his having all with him after his arrival & by careful inquiry, we find also that he left none behind him, we have sent you Copys of all, but we cannot but hope, that you will find them in the hands of some person he lent them to ; we would press you to possess as many persons as you possibly can with a thorough knowledge of this controversy, for it is impossible we should fail in it, if it be fully understood ; for our right is clear to mathematical demonstration to those who are fully apprized of this affair

m^{r} Thomlinson seems to incline to begin this controversy de novo, & not to go on to consider the Commissioners Judgment & determine on that, this you must by no means consent to, nor is it consistent with the Commission under the Great seal that his Majesty should decline giving Judgment on the appeal from this Determination

Herewith you have some observations on m^{r} Thomlinsons Petition, it is so filled with misrepresentations, that either he must be very Ignorant in the circumstances of this affair or be very much carryed away with a wrathful & angry spirit we are inform'd & doubt not of the truth of it, that m^{r} Thomlinson gives himself great liberties about the Right Honble the Lords of Trade & Plantations, as being extreamly engaged for N. Hampshire we cou'nt but think much more Hon^{r}ably of Persons of their Character, & should be glad you could find a convenient opportunity to expose m^{r} Thomlinson's folly & vanity in this matter

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[*Fragment in Defense of the Council*, 1738.]

[Mss. Prov. Boundaries, p. 152.]

24 That in y^{e} Course of y^{e} Com^{rs} preceedings they required a draft &c^{a} that in The Course of the Gen^{l} Courts proceedings they

were often adjourned from Saturday to tuesday, as most agreeable to the Majr part of the Members of both Houses, that yy might have a day at home for it is to be noted, that every Member went home a Saturday but by the way what was sent from the Council was sent down the 19 of Augst & not ye 20th as is Said and it is a vile falsehood that there was Such a Sudden adjournmt by a Message sent to the Secry as if the Govr was not present, who was then Actually present In Coun[l] but besides all this the Council declined Acting at all in the affair as they well knew or at least thôt what the Committee were ingaged in was no other than a Mockery and a mere farce who stated their demands without ever communicating them to the Council to this day, chose the officers appointed to be Chosen by the Gen[l] Assemy, argued & replyd without any advice from the Council, spent the public mony and Asked for more wth out any Account of what was Expended save that one of 'Em swore he would pay what remained due

25 The Massa Agents objected that the Appeal was not ye Act of the Legislature & well they might since ye provision in the Comn was that Either province might appeal &ca, and the Council had resolved not to joyn

26 The House of Representatives desire the Council to Act on what was sent up ye 20, in paragraph 24 yy Say

[Endorsed] Rough Answer To Tomlinsons Complaint Sent the Govr Sept 15—1738

[*Agent Wilks to Secretary Willard*, 1738.]

[Mass. Archives, Vol. 53, p. 10.]

London ye 18th Septr 1738

Mr Secretary,/

Sir./ I am favour'd with yours of ye 17th of June Inclosing sundry Acts which I have deliver'd at the Councill Office for Confirmation, have also Yours by the hands of Mr Jno Tufton Mason, The Affair of the Line being the Chief of what is now depending my thoughts are turn'd that way tho' at present & for a Considerable time past there has been no Committee of Councill but rather an Adjournment of all business of that kind, in a little time the Lawyers will be in Town and the Lords meet to do business as usual, Mr Partridge & I have not been negligent in forwarding the Affair as much as possible and getting all the information possible, nobody can be more desirous of

obtaining a speedy & satisfactory Conclusion of the matter than We are, for whilst it is depending We shall be very much engaged in almost daily attending from one to another about it, We Apprehend the matter of so much Consequence to the Province also to our particular Interests, that we shall think no trouble nor difficulty to great, that shall seem any ways Serviceable, The Affair of Mr Masons Claim may be very Serviceable to the Province The Lawyers being out of Town we have not as yet had Oppertunity to advise about it but you may depend everything shall be Improved to the best Advantage. I have some Charge on Account of the Province seperate from the Affair of the Line which I cant at Present get the Account of, hope I shall be excused if I send it hereafter I am with all due Respect to the Great & General Court Sir

Your much Obliged Humble Servant

Fra Wilks

[*Francis Wilks to Secretary Willard*, 1738.]

[Mss. Prov. Boundaries, p. 151.]

London 14th Octr 1738. —

Mr Secretary

Sir/ This being almost the last opportunity of writing to New-England this year, I improve it, in case the Great & General Court should be sitting, thô it's only to advise, that my Lord President is expected in Town in few Days, when Committees of His Majesty's Council will meet for the Dispatch of Business.

The Affair of the Line with New-Hampshire is as forward as possible; we only wait for a time of Hearing to be fixed, which hope won't be long first; we have the Satisfaction to find every body hitherto concern'd think the Case very strong on our side; I hope it will meet an agreeable Issue, for which nothing shall be wanting in Sir

Your Most Obedient Servant

Fra. Wilks

[*Francis Wilks to Speaker of Massachusetts House*, 1738.]

[Mass. Archives, Vol. 53, p. 18.]

Mr Speaker

Sr This Serves only to Inclose you Copy of a Petition sign'd by Mr Partridge & Myself to his Majesty in Councill relateing to the affaire of the bounds wth New Hampshire I hope the Matter will soon Come to a hearing being fully Prepared I am wth great Respect Sr

Yr Most Obed Servt

Londo Octo 17. 1738 Fra Wilks

[*Petition of Massachusetts Agents to King*, Oct., 1738.]

[Mass. Archives, Vol. 6, pp. 25–31; and N. H. Mss. Prov. Boundaries, pp. 142–149.]

To the Kings most Excellent Majesty in Councill

The humble Petition of Francis Wilks and Richard Partridge of London Merchants Agents for your Majesties Province of the Massachusetts Bay in New England for prosecuting the Appeal of the said Province from the Determination of the Courts of Commissioners for Settleing the Boundaries between the said Province and that of New Hampshire Sheweth —

That your Majesty by your Royal Commission bearing date the 9th of April 1737. reciting that your Ma'tie had been informed that a dispute had been long Subsisting between your Provinces of the Massachusetts Bay and new Hampshire in America relating to their respective Boundaries was pleased to Constitute and Appoint certain persons therein named or any five of them to be your Commissioners for Settling Adjusting and Determining the respective Boundaries of your Said Provinces of the Massachusetts Bay and New Hampshire in dispute as aforesaid — And the Said Commissioners were thereby required to hold their first meeting at Hampton in New Hampshire on the 1st of August 1737. And then to Adjourn to Such times and places as they Should See proper.

With directions that in Case either of the said Provinces Should neglect to Send to the Commissioners at their first meeting the names and places of Abode of two of their publick Officers residing

in their respective Provinces on either of whom or at whose place of Abode Any Notices Sumons or final Judgment of the Said Commissioners might be Served or left And in Case either of the said Provinces Should also Neglect to Send to the Said Commissioners at their first meeting a plain and full State of demands or pretensions in writing describing where and in what places the Boundaries on the Southern and Northern part of New Hampshire ought to begin and what Courses and how farr the Same ought to run respectively to the End that Copies thereof might be mutually Exchanged in order to prevent any unnecessary delay And that each party might come fully prepared That then the Said Commissioners were in either of these Cases to proceed Exparte

And all proper and Necessary directions and powers were given And Contained in the Said Commission for choosing of Officers, Administring Oaths Examining witnesses And reducing their Evidence in writing

And it was thereby Ordered And Directed That Entrys Should be made of all Papers Evidences Deeds Charters and proofs received by the said Comissioners in this Affair and of all their proceedings and resolutions thro' out the Same And that Plans or Drafts of Such Boundary Lines as Should be agreed upon by the Said Commissioners Should be Annexed thereto And made part thereof.

And your Majesty was thereby pleased to Declare your will & pleasure

That when the Commissioners Should have made their final Determination And Signed the Same a Copy thereof Should be Sent to Such publick Officer or Officers in each respective Province as before mentioned as likewise Notice of another meeting to be held by the Commissioners at a distance of time not less than Six weeks or more than three Months at which meeting either of the Said Provinces who Should find themselves Aggrieved might Enter their Appeal to your Majesty in your Privy Council with a Declaration what parts of the Determination of the said Commissioners they did Abide by or Appeal from But if neither of the Said Provinces Should Enter their Appeal or Exception against the Determination of the Said Commissioners at Such last Meeting Then and in Such Case no Appeal or Exception Should be afterwards received or Admitted And Such Determination of the Said Commissioners being Confirmed by your Majesty Should be final and Conclusive to both the Said Provinces

That the Said Commissioners mett at the time and place Appointed by the Said Commission and were Attended by Committees Appointed by each Province who laid a State of the Claims and Demands of each Province before the Commissioners

That the Committee Appointed on behalf of the Massachusetts Bay amongst other things produced before the Said Commissioners an Authentick Copy of A Plan Entituled "A Plan filed in the Secretarys Office of New Hampshire — Endorsed — Province Bounds returned the 23^{d} of May 1696: W^{m} Redford D: Secretary And Certifyed by Richard Waldron Secretary — And which was a Plan of the Boundaries of New Hampshire which had been run by order of the then Governor and Councill of that Province from the Atlantick Ocean 3 miles Northward of Merrimack River following the Course of the River And which Plan they caused to be filed amongst their publick Records, but which thô So very materiall to be taken into the Consideration of the Commissioners they were pleased to reject And refused to make the Same part of the Case whereupon the Said Massachusets Company moved they might have liberty to protest against the Courts not receiving the Same which they were allowed to do.

That the Said Massachusets Committee after the whole pleadings were gone through on both Sides Delivered in An Exception against this Denyal of the Said Commissioners to receive and Admitt the Said Plan as Erroneous and praying that the Said Province of the Massachusetts Bay might when the Affair Should come before your Ma'tie have all benefit And Advantage of So materiall A part of their Evidence which Exception was received And Admitted by the Court And Entred as part of the Case And your Petitioners for and on the behalf of the Said Province hereby most humbly pray to have the benefit of the Said Exception And Also of all other Exceptions and Objections made by the Said Massachusetts Committee All which Appear on the proceedings on the Appeal of the Said Province from the Judgment or Determination of the Said Commissioners And that they may be then at liberty to read the Said Plan for and on behalf of the said Province

That the Said Commissioners on the 2^{d} of September 1737. Delivered their Judgment or Determination in the presence of the Committees of each Province whereby they State that in pursuance of your Ma'ties Said Commission they had taken under Consideration the Evidences Pleas and Allegations offered and made by each party and upon Mature Advisement on the whole a doubt arose in point of Law And that they had thereupon come to the following Resolution Viz^{t}

That If the Charter of King William and Queen Mary Grants to the Province of the Massachusetts Bay All the Lands which were granted by the Charter of King Charles the first dated the 4th of March in the fourth Year of his Reign to the late Colony of the

Massachusetts Bay lying to the northward of Merrymack River Then they Adjudged and Determined that a Line Should run parallel with the said River at the distance of three English Miles North from the Mouth of the Said River begining at the Southerly Side of the Black Rocks So called at low water mark and from thence to run to the Crotch or parting of the Said River where the Rivers of Pemigewassett and Winnipesiokee meet and from thence due North three English Miles and from thence due west towards the South Sea untill it meets with your Ma'ties other Governments which Should be the Boundary or dividing Line Between the Said Provinces of the Massachusetts Bay and New Hampshire on that Side BUT IF OTHERWISE then they Adjudged and Determined that a Line on the Southerly Side of New Hampshire begining at the distance of three English Miles north from the Southerly Side of the Black Rocks aforesaid at low water mark and from thence runing due west up into the Main Land towards the South Sea until it meets with your Ma'ties other Governments Should be the Boundary Line Between the Said Provinces on the Side aforesaid — which point in doubt with the Commissioners as aforesaid they Submitted to the wise Consideration of your most Sacred Ma'tie in your privy Council for your Royal Determination therein

And as to the Northern Boundary between the Said Provinces the Court Resolved and determined That the dividing Line Should pass up through the Mouth of Piscataqua Harbour and up the Middle of the River into the River of Newichwannock (part of which is now called Salmon Falls) and through the middle of the Same to the furthest head thereof and from thence North two Degrees westerly until 120 Miles be finished from the Mouth of Piscataqua Harbour aforesaid or untill it meets with his Ma'ties other Governments And that the Dividing Line Should part the Isles of Shoals and run through the middle of the Harbour between the Islands to the Sea on the Southerly Side and that the Southwesterly part of the Said Islands Should lye in and be Accounted part of the Province of New Hampshire And that the North Easterly part thereof Should lye in And be Accounted of the Province of the Massachusets Bay and be held and Enjoyed by the Said Provinces respectively in the Same Manner as they now doe and have heretofore held and Enjoyed the Same

And the Court further Adjudged that the Costs and Charges arising by taking out the Commission as also of the Commissioners and their Officers and of their two Clerks Surveyors and Waiter for their travelling Expences And Attendance in the Execution of the Same Should be Equally born by the Said Provinces

That after the pronouncing the Said Judgment the Court Adjourned to the 14th of October then next in order to receive Any Ex-

ception or Appeal which either or both parties might have to the Said Judgment

That on the Said 14th of October The General Court of the Massachusetts Bay drew up and Agreed on their Appeal from and Exception to this Determination of the Said Commissioners and also named And Appointed a Committee to lay the Same before the Said Commissioners in order to its being received and Entred on their Records And on the Same day the Said Committee of the Massachusetts Bay presented to the Commissioners their Said Order of their General Court and likewise the said Appeal and Exception

That this Appeal was Addressed to your Ma'tie in your Privy Council and was the Appeal and Exception of the Province of the Massachusets Bay and was duly presented to the Commissioners by a Committee duly Appointed for that purpose by the General Court of the Said Province in pursuance of and Agreeable to the directions of the said Commission And which Appeal is now depending before your Ma'tie in Council

That the Province of New Hampshire did not deliver into the Said Commissioners Any Appeal from or Exception to their Said Determination nor Appoint or Authorize Any persons to Attend the Said Commissioners in relation to the Said Determination.

But your Petitioners humbly Shew unto your Ma'tie that the Same Gentlemen who were the Committee who Attended the Commissioners on the behalf of New Hampshire previous to the Said Determination Attended the Said Commissioners on the Said 14th of October and produced a Vote of the House of Representatives of New Hampshire Setting forth in what parts of the Said Judgment of the Commissioners the Province of New Hampshire was Aggrieved and Excepted Against — To which Vote the Committee of the Province of the Massachusetts Bay Objected and took Exception for that it was only A Vote of one part of the Legislature which did not represent the whole Province whereas by the Said Commission no Exception to or Appeal from the Determination of the Commissioners could be taken but by the whole Legislature which was the Province And the Said Vote mentioning that the Assembly having been prorogued to the 13th day of October the day before the Commissioners by Adjournment were to meet in order to receive the Appeal of either Province The Province had not time to be prepared with their Appeal but that your Ma'tie might not think that House Satisfyed with all parts of the Said Judgment they Voted that his Ma'ties Province thought themselves Aggrieved by the sd Judgment in the particulars therein Specifyed — The Commissioners to Obviate this Objection for want of time after having

heard both Sides touching the receiving or rejecting this Vote continued the Matter for Consideration till their next meeting And ordered their Clerk to Inform the New Hampshire Committee therewith and that as the General Court of new Hampshire was then Sitting the Said Committee might Apply to the Governour and Council for their Concurrence with the Said Vote — And then the Court Adjourned to the 17th of the Said October in the Afternoon And the new Hampshire Committee not being returned on the 17th from the General Court the Commissioners Adjourned to the next day the 18th of October

That on the 18th of October the New Hampshire Committee Attended the Commissioners but without the Concurrence of the Councill of the Said Province to the Said Vote the Council being of Oppinion that the Determination of the Commissioners was right And that they ought to Acquiesce therein without Any Appeal on their part and Submitt the Matter as it then Stood to your Ma'ties Royal Pleasure

That notwithstanding the Council thus refused to Concurr with the House of Representatives in the Said Vote yet the Said Commissioners on the Said 18th of October 1737. Agreed and Determined that the Said Vote Should be received and made part of the Records of the Court and they Received the Same Accordingly — Upon which the Massachusetts Company moved that they might have liberty to enter their Protest in writing against the Same which the Court Allowed them to do the next Morning to which time the Court Adjourned

That accordingly the Massachusets Committee the next day being the 19th October Appeared and for and on behalf of the Province of the Massachusets Bay delivered in a writing whereby they Excepted and protested against the Courts receiving and Entring in the Minutes or Records of the Courts the Said Vote of the house of Representatives of New Hampshire which had been delivered 'em by A Committee without the Appearance of Any power or Authority for the Same from the Province for the following reasons.

1st — Because the Commissioners were not by their Commission enabled or Allowed to receive anything to be made part of the Case after Judgment but only the Appeal of either Province — And the Said Vote was the Act of one part of the Legislature only and not of the whole Legislature which is the Province — And therefore No Such Vote could be received especially when the Council of the Province had in direct opposition thereto Voted that it was not for the Interest of the Province of new Hampshire to Appeal from the said Judgment but to Submitt the matter as it then Stood to your Ma'ties Royal Pleasure

2dly — For that the reason Assigned for offering the Said Vote was entirely groundless there having been full Opportunity for Severall days in which the Governor had Continued the whole Generall Court Sitting And Yet the said Vote had never been So much as laid before either of the other Branches of the General Court even for their Consideration —

3dly — For that if the said Vote had been the Act of the whole General Court of New Hampshire it must have been Exhibitted by Such as were Authorized And Appointed for that purpose whereas those who presented the Said Vote were neither Authorized nor directed by the Said General Court to present the Same So that the Province of the Massachusetts insisted the said Vote was not the Act of the Province neither were the persons who presented it Authorized or directed So to do by the General Court And therefore to receive and Enter the Said Vote and make it part of the Case was inconsistent with the Authority and directly contrary to the plain Sense and Construction of the Said Comission

That your Petitioners for and on behalf of the Said Province of the Massachusets Bay hereby most humbly pray the benefit and Advantage of the said Exception and protest on the hearing of this matter before your Ma'tie in Council and that the Said Vote may be Declared by your Ma'tie to have been Improperly received by the Said Commissioners.

That Your Petrs further humbly represent to your Ma'tie that a petition hath been lately presented to your Ma'tie in Council Stiled the humble petition of Appeal of John Thomlinson of London Esquire Agent for the House of Representatives of your Ma'ties Province of New Hampshire for and behalf of your Ma'tie and your Loyal Subjects of your Province of New Hampshire which petition Stands referred by Order in Council to the Right Honourable the Lords of the Committee of Councill

That the Said Petr by his Said petition humbly Appeals to your Ma'tie Against the Said Determination of the Said Commissioners as well in behalf of your Ma'tie as of the Said Province of New Hampshire though by the Stile of the Petition he Admitts he is Agent of the House of Representatives of new Hampshire only.

That the Said Petitioner grounds his Said Petition of Appeal on the Said Vote of the House of Representatives which he states in his Said Petition to be different from what it really is

That the Said Petitioner by his Said Petition States a great Variety of matters by way of Complaint personally Against His Excellency Jonathan Belcher Esqr Governor of the Said Provinces of the Massachusetts Bay and new Hampshire and also by way of Complaint

against the Majority of the Members of your Ma'ties Council of the Said Province of New Hampshire touching their Conduct and behaviour for Several Years past and that are no part of the Record of the proceedings of the Commissioners or on which they formed the Said Judgment

And the Said petition prays your Ma'tie to make Several Orders and Determinations in the premisses for Settleing the Just Bounds of the Massachusetts Province and for the relief of your Subjects in new Hampshire in all respects

That your Pet^{rs} most humbly Submitt to your Ma'tie that the Said John Thomlinson from the Title of his own petition Appears not to be properly and Sufficiently Authorized to present Any petition of Appeal to your Ma'tie from the said Determination of the said Commissioners he not being Agent of the Province but only of the House of Representatives who have no power of themselves to Constitute and Agent to represent the Province And it is very remarkable how the Pet^{r} can Say he Appeals from the Said determination to your Ma'tie in behalf of the said Province when in this very Petition he States that the Council of the Province refused to Concurr with the House of Representatives in Appointing An Agent And in prosecuting an Appeal from the Said Determination of the Said Commissioners

That your Pet^{rs} humbly Apprehend It is the Office of A petition of Appeal to State only the matters contained in the Record of the proceedings and Judgment Appealed from and not to go into Matters out of or Extra the Record whereas your Pet^{rs} conceive by far the greatest part of the Matters contained in the Said John Thomlinsons petition to be Extra the Record and to relate to Severall persons not parties to the Said proceedings and to matters of a quite different Nature from those contained in the Said Record and that cannot be taken into Consideration on the hearing of Any Appeal from the Said Judgment of the Said Commissioners and for which the Province of the Massachusets Bay are no ways responsible

That the thus blending together in one and the Same Petition Matters of a different Nature and concerning and Affecting different partys is as your Petitioner humbly Conceives very improper and Alltogether Irregular.

Your Petitioners therefore most humbly pray your Majesty that the Said Petition Stiled the humble Petition of John Thomlinson of London Esquire Agent for the House of Representatives of your Majesties Province of New Hampshire for and on behalf of your Majesty and of your Loyal Subjects of your Province of new Hampshire may be Rejected and Dismissed — And that your Majesty will be graciously pleased to make Such Orders and give Such directions

in all and every the premisses as to your Ma'ties great wisdom and Justice Shall Seem meet

And your Petitioners as in Duty bound Shall ever pray &c

Fra Wilks
Rich[d] Partridge

[*Agents Wilks and Partridge to Secretary Willard*, 1738.]

[Mass. Archives, Vol. 53, p. 19.]

Secretary Willard

Yesterday by Appointment of the Lords Committee for Plantation Affairs came on a hearing before them by Council of the subject Matter of our Petition (a Copy whereof we lately sent to be laid before the General Court) against the New Hampshire Appeal from the Commissioners Judgment which was intended as a Suppliment to the Appeal We had before lodg'd at the Council Office: But at the first Committee that sat this Season the New Hampshire Solicitor mov'd the Lords that a Day might be appointed for considering our Petition first seperately which accordingly was fix'd. And for our Council we had the Attorney & Solicitor General who very fully & learnedly set forth the Nature & Irregularity of The New Hampshire Appeal in all the Circumstances of it, As to the manner which their Assembly's Agent had taken upon him to introduce it, as well as the Irregularity of the Appeal itself, in it's not coming from the Province according to y[e] Royal Directions in the Commission but only from one part of their Legislature the House of Representatives.

And on the otherside likewise their Council urged the Principal Matters set forth in their Petition of Appeal with the utmost force of Argument they could, & the great Disadvantage they lay under by the partial Disposition & management of Gov[r] Belcher in favour altogether of The Massachusetts purposely with Design to defeat The Royal Intention, of New Hampshire's reaping the Benefit they hoped for from the Commission His Majesty had been pleas'd to issue, for setling the difference depending between them about the Boundaries, which as they intimate was very evident by his unseasonable Adjournments of the Assembly from time to time & which was the less to be admir'd at seeing he was a Native of the Massachusetts & had his Estate & Fortune lying principally in that Pro-

vince, and indeed the greatest part of what they urged was in traducing the Governor's Managem^{t} & Partiality in the Course of proceedings during the Session of the Commissioners

Our Council doubtless wou'd have taken off the Edge of those Invectives had they been permitted to make their Reply which was their Right altho' they did not think proper to enter into a long Detail of it, in as much as their was a particular Complaint from a Committee of the Assembly of New Hampshire against him subsisting, & to which the Gov^{rs} Answer was come over, & therefore insisted it was most proper that Matter should be sever'd & Consider'd by their Lordships at a proper Season by itself & so were of Opinion it was best to wave giving full Answers to the particular Charges against him as not properly appertaining to y^{e} Appeal; But when the Council for New Hampshire were abo^{t} to produce their Testimonys to support their Allegations (& before our Council had opportunity to make their reply) their Lordships interfered & put a stop to further proceedings, in as much as those matters relating to the Governor had not yet come before them to be judicialy consid^{d} upon the whole they seem'd to be of Opinion for admitting the New Hampshire Appeal to stand but hinted that it might be proper to postpone the hearing of it till after the New Hampsh^{re} Complaints against the Governor were heard. And accordingly adjudg'd that our said Petition should be dismiss'd without prejudicing us as to any Opposition we might make to the New Hampshire Appeal when the merits came to be enter'd into & considered by their Lordships, We cannot but think our Selves something unfortunate in the fate of this Petition because both our Council tho^{t} the Case very clear & that we could not fail of the Dismission of their Appeal.

There's no Day appointed yet for hear^{g} & considering the Judgment of the Comm^{rs} but we expect that will be in a little time when we shall exert our Selves & do our best Endeavours for the Service of the Province, we are concern'd for, all which we desire may be communicated to the General Court from,

Their faithfull friends

London Novem^{r} 3^{d} 1738

Fra. Wilks
Rich^{d} Partridge

[*New Hampshire to Have Access to Massachusetts Records*, 1738.]

[Mass. Archives, Vol. 53, p. 30.]

At the Council Chamber Whitehall the 9th Day of December 1738.

By The Right Honourable The Lords of the Committee of Council for Plantation Affairs.

Upon a Motion this Day made to their Lordships by the Solicitor for the Petition of Complaint of the Representatives of the Provinces of New Hampshire against Jonathan Belcher Esqr Governor of that Province; praying to be allow'd Copys of several Proceedings of the Governor Council & Assembly of the said Province, relating to the said Complaint and to have the same authenticated under the Seal of the said Province upon paying the usual Fees for the same: — It is order'd by Their Lordships that the said Representatives of the Province of New Hampshire or their Agent be Permitted to search & take Copys of such Minutes and Proceedings of the Governor and Council, Minutes & Proceedings of the Council, Minutes & Proceedings of the Council in Assembly, & Minutes & Proceedings of the Assembly of that Province, as they shall think necessary to support their said Complaint, and that the same shall be Authenticated by the Governor or Commander in Chief in the said Province for the time being under the Seal of that Province upon paying the usual Fees for the same —

Whereof the Governor or Commander in Chief of the said Province for the time being and all others whom it may Concern are to take Notice & Govern themselves accordingly —

[*Letter to Samuel Holden of London, Dec.* 22, 1738.]

[Mass. Archives, Vol. 6, p. 32.]

Boston, Decr 22d 1738

Honourable Sir

We gratefully acknowledge your favour of the 17th of June. It would have been very pleasing if you could have been perswaded to appear in the agency for us, but find you could not, we are very much obliged for your kind & Generous disposition to Serve us more privately.

In the Controversy of the line between us & New Hampshire, there is so much artifice used on the other side, that there is great danger of Our Suffering by their misrepresentations. Our difficulty is not the least doubt of the Reasonableness or Equity of Our cause nor of the Justice of the Privy Council, but that it will be referred over by the Privy-Council to others, as ordinary business & Cases are, and that the Phrases mightily in fashion on the other side, of the Overgrown Province of the Massachusett's, the Poor, little, Loyal Province of New Hampshire, will be apt to work on the Compassions of some, & make them think that New Hampshire need much & we deserve Nothing.

There is another consideration also, of great Service to New Hampshire, & this is, that all their Pretence is, from a few words in the Charter, and all the colour there is in their favour, obvious to the most cursory view whereas our Cause appears clearest & best on a full understanding of & Strict enquiry into it, And then it appears evident, even to Demonstration, and what New Hampshire build on, will appear to have not so much as any colour in their favour, And it was very observable in the Course of the argument, while this cause was under consideration here that the further it was inquired into, & the longer it was under deliberation, the more Just & clear did our cause appear, & that of New Hampshire the worse, nor have they any expectations of success, but from their management & artifice, and a fancy that they are great favourites.

We Should Esteem it a mighty advantage, & that It would greatly tend to a full understanding of the Cause if it might not be referred to any other Board or Boards, but might be argued fully & first, as well as finally, before his Majesty & the Privy Council, It is a cause of great consequence, almost one half of this Province, in the defence & Settlement of which we have Spent a great deal of blood & treasure, and which we were going on very fast yet farther to Settle, and had agreed on a fort for the Protection of the inhabitants, which had doubtless before this time been built, but that this Controversy has dampt & discouraged People from Settling, and should New Hampshire obtain, as it will bring all manner of confusion on this Province, & expose them to inextricable Difficulties About their old grants, so it will be a vast Mischief to New Hampshire itself, for they are able neither to Settle nor defend it & without a fort to defend them, People will not Settle whereas New Hampshire without cost would be covered & defended by the People & fort the Massachusets would Settle & build, and the Massachusetts would account it not so much of a burthen they having been always used to be at great charge in defending that Province, for their Cost would be less than it hereto-

fore was Inasmuch as these Settlements would contract the frontier of the Massachusetts & New Hampshire from about one Hundred & fifty miles, to little more than forty.

We are very loth to be troublesome, but we must desire leave to put a State or brief of this Case with some arguments in support of our Cause into your hands, which are herewith transmitted you, If your great affairs can permit you to look over it, we doubt not you will see that Justice is plainly with us, & if we suffer, it must be, by reason our cause is not understood.

We are with great respect, Sir,

your most assured friends & Humble Servants

In the Name & by order of the Great & General Court

[*Secretary Willard to Massachusetts Agents*, 1738.]

[Mass. Archives, Vol. 53, p. 21.]

Gentlemen I have herewith inclosed an Answer from the General Court to M^r^ Tomlinsons Mem^o^ on the Affair of the Line, W^ch^ it is expected you Should make use of to prevent any prejudices that may arise from it to the Govern^r^ or the Province —

I Suppose it will be necessary that you Should annex to this Answer a Copy of the Mem^o^ as you will See by the first Paragraph : If there be any thing Defective in Form it is because of the Hast that is used to Save this Conveyance. I am Gent.

Yo^r^ most obed^t^ humble Serv^t^

Boston Dec^r^ 23, 1738. J Willard

Mess^rs^ Wilks & Partridge Agents &c

[*Report of Massachusetts Committee on Petition of John Thomlinson*, 1738.]

[Mass. Archives, Vol. 6, pp. 33–38.]

The Committee appointed to consider of M^r^ Thomlinson's Petition to his Majesty, & make such observations thereon, as might set the subject matter thereof in a fair & Just light, have carefully lookt into

the same which is in the following words viz^{t} — *here insert M^{r} Thomlinsons Petition*, whereupon they observe 1 — That the title or name, M^{r} Thomlinson gives his Petition, Vi^{t} — a Petition of Appeal is very wrong, being expressly against the directions of his Majesties Commission, under the great Seal for by the Commission, there can be no appeal from the Judgment of the Court constituted thereby, but what is enter'd in the Said Court, and at their meeting for that purpose within three months at farthest after the Judgment, which was past many months before this Petition w^{ch} he calls an appeal, if therefore it deserves any good name, it must be called a Petition of Doleance but an appeal it cannot be from this Judgment.

11 The Acco^{t} m^{r} Thomlinson begins with of the Extent of the Province of New Hampshire, is altogether New & Groundless & contrary to the bounds given in the first formation of that Province into a Governm^{t} which was by the Commission to President Cutt Anno, 1679 from his late Majesty King Charles 2^{d}, soon after his Majesties Judgment which was an. 1677 for determining the bounds of N. Hampshire, after Several solemn hearings between the Massachusetts' Bay & m^{r} Mason who in S^{d} Judgment was declared Proprietor thereof in consequence of a former grant to Cap^{t} John Mason his Grandfather ; The Commission to m^{r} Cutt is evidently drawn agreeably to this Judgment, & in the words as to the bounds, & therefore only that Part of New Hampshire which was from three mile to the Northward of merrimack is erected into a Governm^{t}, the three mile adjoyning to Merrimack on the Northerly side, having been determined, in the afores^{d} Judgment to be given by a Prior Grant to the Massachusetts, & therefore could not be comprehended in this New Erected Government of New Hampshire, & thus were all the Commissions to the succeeding Governours, for fifty years together, down to 1730, when the Bounds of N. Hampshire might be Justly Judged to be well known by a Constant particular description for so long a time, & then New Hampshire is mentioned in the Commission to his Excellency the Present Govern^{r} without describing the bounds, the Extent & meaning of y^{e} words or Name New Hampshire having been solemnly determined above fifty years before, & used in that sense & that only down to this time, nor is there the lest intimation given in this last commission that it comprehended more than formerly, & therefore can never be so understood, for Common sense and Constant usage require, that words shall be understood according to Custom, unless there be some signification that they are at that time used in a sense different from what they commonly were before & especially if they never were used or taken in that new sense before ; Now we know from the Grant of N. Hampshire, that the Name was

given by the Council of Plimouth at Capt John Masons desire, to a Tract of Land between Merrimack on the south & Piscataqua Harbour & Newichwannock on the North, & from the Atlantic on the East sixty miles into the Wilderness, nor has there Ever been one word said by his Majesty or any authorised by him to Enlarge or Extend this Province, and therefore this Spacious acco^{t} must arise from M^{r} Thomlinsons gross ignorance in the affairs of New Hampshire or something else much Worse.

III. As to the Insinuations concerning his Excellency the Governours conduct in the Controversy of the line between the two Provinces, they are very Injurious & unreasonable It is very well known & may be seen by the Public Records of both Governm^{ts}, that his Excellency earnestly pressed the Issuing that controversy according to his Majesty's instruction, which he Rece^{d} with his commission, and the Gov^{r} was so far from partiality in favour of the Massachusetts that he was tho't by some, too Severe in charging the Miscarriage of that affair on the Massachusetts; And those who have transacted in this matter for New Hampshire have made use of his Excellency's acco^{t} which he gave to the Right Honourable the Lords of Trade & Plantations, in favour of that Province & against the Massachusetts.

IV. The Committee have nothing to Say as to m^{r} Thomlinsons Recitation of the Clauses in the Commission, but his representation of the Conduct of New Hampshire, where the Commission arrived, is very unjust, for instead of giving timely Notice to the Commissioners as this Petition asserts, altho speedy Notice was given to some yet the Notifications to Others were not sent forward, till more than a month after the Arrival of the Commission, by means whereof one Half of the Commissioners, viz^{t} Those of New York & the Jerseys had not notice of the Commissions arrival soon Enough to be able by any possibility to be at Hampton by the time, & some of them not till after the time was over, nor had any one from those Governm^{ts} attended at all, had not the Massachusetts as soon as they could, after they knew of the Arrival of the Commission, (which was only transiently & by Accident, for it was not sent to them but to New Hampshire) perceiving the Neglect of that Province, sent four of their members, two Several ways to inform them.

V. As to what is Said of the Opposition made by the Massachusetts to the Execution of his Majesties commission, what has been Just said of the great care & Expence they took & were at, that the Commissioners might attend abundantly shews the falsity of it, as to the Prorogation of the assemblies of Each Province, they were made as to both Courts, before the arrival of the Commission to us, and as

there was a Clause in the directions for making out the Commission, that there should be, beside what were particularly mentioned, such other Clauses, as a Commission of that Nature required, one of which clauses, by the prevailing opinion, was supposed likely to be, that if the Commissioners could not meet on the first day of August, some further day should be Pitcht upon, & such a provision in Effect there was in the Commission, for the Commission directed, that if a Quorum did not meet on the first day of August one or those who did meet might adjourn the meeting to some other day, which shews that the first meeting of the Court was not confined to the first day of August, but to any time when a Quorum could meet which first meeting was to continue & comprehend all the daily meetings they should have till the Court made up Judgment, & adjourned to their Second meeting to receive the Exceptions or appeal of either party, nor was New Hampshire under any difficulties, in their appearance before the Commissioners, they having a Committee of both Houses, appointed by Governour, Council & Representatives at the session of their General Court in April before, to prepare & put in pleas, allegations & Evidences & might have had y^e^ five persons directed to in the Commission, appointed by the whole Court in good season agreeable to his Excellencys Motion in his speech to their Court, Had not this Committee, contrary to the Express words of the Commission, Nominated them & insisted, as they always publickly did, that they had full power so to do, whereas the assembly of the Massachusetts, had no Committee appointed to act for them, till the 4^th^ of August, their Court being Prorogued to that time, after they had sat the usual time, before they knew that the Commission was made out, and therefore the Massachusetts have much more occasion for Complaint than New Hampshire, as being under great difficulties & New Hampshire under none, their complaint therefore of Partiality in his Excellency the Gov^r^ in favour of the Massachusetts & to their Prejudice, is without so much as a Colour & if there be room for any complaint, it is on the Massachusetts side, that their Court was adjourned beyond the first of August when not so much as a Single person was appointed by them to make a plea or procure an evidence

What follows now in this Petition, of M^r^ Thomlinson's concerning the appointment of Agents putting in their Claim & Protesting, is so Notoriously false, that it is not Easy to determine, whether it proceeds from Malignity or Ignorance, Probably from Both, for

1. No such committee as formerly corresponded with m^r^ Thomlinson did any thing at all in this affair, the Committee who acted, was appointed by the Govern^r^ Council & Representatives in the session of New Hampshire General Court in April before, & instead of being a

Committee of the House of Representatives, was a Comittee of members of Both Houses, appointed by all parts of the Legislature in the next preceeding april & never before.

2. Neither this Committee, nor any other ever appointed Mess^{rs} Waldron & Russell agents for the Province.

3. The Said Two Persons, never put in any Claim nor acted as agents, nor were they ever desired or appointed so to do.

4. Nor did those two persons ever Insist or Protest or so much as appear to say one word before the Commissioners nor did any former Committee of the House of Representatives, but all that was done as to putting in the Claim or otherwise was by a Committee appointed in April by Govern^{r} Council & Representatives so that this whole acco^{t} is a Chain of blundering if not malicious falshoods, as will appear by their own papers in the Case sent home by the Commissioners, Nor did New Hampshire Committee ever complain of their want of power, or anything further from the Assembly but always insisted they had full authority from their appointment in April by all parts of the legislature of their Province & this they gave as the reason of their refusal to have two public persons appointed by the Court in August, because they had done it with full power before.

7. As to the Acco^{t} he gives of the Opinion of the Council that the water from Winnepesaukee Pond or lake to the Ocean was called Merrimack, it is very likely to be so, for so it has always been called from time immemorial, so the Records of New Hampshire anciently call it, nor was that Stream ever known or called by any other General name, but all this account seems very impertinent, for the Agents of both Provinces agreed on a plan of this River before the Commissioners & put it into the Case & it is sent home with it, by the Commissioners accordingly.

8. The long detail of the Proceedings of the assembly of New Hampshire, amounts only to this, that the House desired to appeal & the Council desired not to appeal, but to leave it to his Majesties determination, & if that was their Judgm^{t} (as knowing the determination to be greatly in their favour & more than had been Expected) where is the blame must they not think for themselves as well as the house & if this was their opinion would it not have been madness to have raised money for appealing, when they did not incline to appeal or to appoint an agent to prosecute an appeal when they would have none, but we cannot but take notice, on this occasion, of the Councills Justice in desiring to raise money to defray the Charge of the Court, that sat by his Maj^{tys} Commission & of the Strange temper of the House in refusing it, by which means the Commissioners are not paid by N. Hampshire to this day, & if there

had been no other reason, this had been sufficient for the Council to have refused to engage in further Charge, when the House would Not defrey the charge they had been at already

9. As to the Illnatured objection about the influence the Gov^{r} had over the Council of New Hampshire because a majority were appointed by his recommendation, The falsity of it will appear by the New Hampshire records of the time of the admission of he Councellors there ; for four of the Nine were Councellors before his Excelly was Gov^{r} & one of the other is well known to have been appointed without the Gov^{rs} Recommendation, & to have been far from being in his interest

10 And of the same nature is the Insinuation of the Hire the massachusetts gave his Excellency for favouring them in this Controversy, if this had been the only or first time they had made him such a consideration, there would have been more colour for it, but the Massachusetts have done this once & again before in the same way and his Excellencys Conduct ever since he has been Governo^{r} is a much stronger vindication of his freedom from deserving any such vile imputation than any thing we can say

In Council Dec^{r} 23, 1738 ordered that this report be Read & accepted

Sent down for Concurrence J Willard Sec'ry

In the House of Rep^{ves} Dec^{r} 23, 1738

Read & Concurd J Quincy Sp^{kr}

[*Gov. Belcher's Message to Council and House*, 1738/9.]

[Mass. Archives, Vol. 108, p. 137.]

Gentlemen of the Council, and of the House of Representatives

The Bill you have past for emitting Sixty Thousand Pounds in Bills of Credit (you are sensible) I cannot consent to, consistent with His Majesty's Royal Instruction to me on that head.

By my latest Letters from London I find the affair of the Boundaries between this Province, & that of New Hampshire, had not come to a Hearing before his Majesty in Council ; as the Peace, Safety, & Welfare of both Provinces are greatly concern'd in this matter, I think myself bound in Duty to His Majesty, & from a just Regard to his People, to recommend to your Consideration, whether any further Steps can be taken by this Court, for the better expediting what is of so much Consequence, & has been so long depending.

Janu^{a} 12th 1738/9. J Belcher

In the House of Rep^{tives} Jan^{ry} 12th 1738 Read

[*Massachusetts House to Agents*, 1738/9.]

[Mass. Archives, Vol. 53, p. 26.]

Boston January 25 1738.

Gentlemen Your Memorial inclosed by Mr. Wilks in his Letter of October 17th. has been duly receiv'd. We are glad You have put forward the affair of the line — It is of great importance, and we expect you should take the Greatest care that it may be speedily and favourably Issued.

There is One Consideration which makes it of great Consequence to this Province that the Controversy should be determined according to Our Claim as to the line between the late Colony of the Massachusetts and New Hampshire, which We have not so much Insisted on as yet, because it is not so much to the merits of the Cause as the inconveniences and mischiefs arising from a Determination against Us, What We intend is the confusion and disturbance it will make in Twenty or Thirty Towns besides Numberless particular Grants, if the line should Intersect Merrimack Forty mile Southward of what formerly was allowed to belong to the late Colony of the Massachusetts. Indeed it is so apparent that the late Colony of the Massachusetts is included in the Present Charter, and New Hampshire State of their demands does so fully acknowledge it, And other Arguments are so strong to evince the Justice of Our Claim, that We have been ready to think it, impossible the line should be determined otherwise, and so we think now, if the Affair be set in a clear light before His Majesty, but that every One Concerned May be induced to get a full understanding of the Matter and see that it is of great importance, these settlements and plantations must be mentioned, and the great Mischiefs arising from Cutting them to peices and discouraging the People from Settling, Whom New Hampshire cannot protect nor furnish with settlers, if those going on should desist, as We believe they mainly will, if New Hampshire Claim should obtain.

We think it will be very proper for you to wait on the Honourable Mr. Holden, who has been so kind as to signify his good dispositions towards us in the Affair of the line: He may be able and will be disposed to remove any ill impressions made by the Artful Insinuations of Our Antagonists.

That Clause in Our Letter of December 23. About Annexing to Our Answer a Copy of the Memorial, was casually Enter'd by meer Mistake, and you are to take no notice of it.

In Council; Jan^{y} 25. 1738; Read & Accepted
Sent down for Concurrence J Willard Sec'ry

In the House of Rep^{tives} Jan^{r} 25th 1738
Read and Concurred J Quincy Sp^{kr}

[*Agents Wilks and Partridge to Secretary Willard*, 1738/9.]

[Mass. Archives, Vol. 53, p. 28.]

London Febru^{y} y^{e} 9th 1738.

Secretary Willard./

Since our last which was of the 3^{d} Novem^{r} ℔ Cap^{n} Orrok a Motion has been made on the 9th December last by the New Hampshire Sollicitor before the Lords of the Committee for time to send over to New Hampshire for Authentic proofs to Support the Allegations in their Complaint against Govern^{r} Belcher, which we were Advised not to Oppose Whereupon the Lords granted the request and made an Order accordingly, a Copy whereof comes here Inclosed.

At a Hearing before their Lordships when We made some Objections as to the regularity of Tomlinsons Petition of Appeale as he called it (which was over rul'd) It then seemed to be their Opinion that the said Complaint against the Governour as it related to his Conduct in the Affair of the Line, it should come on first to be Consider'd, And probably the Grand Affair may be Postponed till after that Matter be determined, We shall endeavor to prevent it being fully prepared, & think no danger of a Miscarriage in what we Claim

As to the Business of John Tufton Mason We got his Case Stated, & laid before the Kings Solicitor General our Counsel, to be by him maturely considered, after what manner & how his Case might be set on foot and introduc'd so as to be of Service to our Cause, who upon the whole affair would by no means Advise to our Exhibiting any Petition or Memorial at all, in any thing relating to him, for that the Lords would certainly look upon it, in no other light than as an Artifice, trumpt up to puzzle & perplex the great Cause ; And therefore as it was uncertain how long it would be before we should be able to bring things to an Issue we judg'd it unnecessary to keep him here at a certain Expence to the Province but that it would be most for their Interest to dismiss him that he might return as soon as conveniently he could to New England which Accordingly we have done, after taking his receipt for what money We Supply'^{d} him with, which Amounts to £92 : 9 : —

We have receiv'd Yours by Cap^{n} Newell & Cap^{n} Morris with the former sundry Papers relateing to the Line, and with the latter the Answer from the Generall Court to Cap^{n} Tomlinsons Memoriall all which as Occasion offers We shall make the proper use of, And are with great Respect to the Generall Court

Their faithfull Friends

Fra Wilks

Rich^{d} Partridge

[*Agents Wilks and Partridge to Secretary Willard*, 1738/9.]

[Mass. Archives, Vol. 53, p. 32.]

London 2d March 1738/9

Secretary Willard./

The foregoing is Duplicate of our last ℔ Capn Newell wherein We advised the Great & General Court of our Apprehensions that the grand Affair of the Line between the Province of the Massachusets Bay & New Hampshire would be postponed till after the hearing of the Complaints against Governour Belcher, And as We have reason to think that a determination of this Matter is earnestly desired, & impatiently waited for by many of the Members in ye Generall Court, We are Concern'd at Meeting with any delay in our proceedings therein, & thô as we formerly advised you Lord President signified his Opinion verbally at the Committee of Councill that the matter of the Complaint should be first Consider'd yet after that we were so desirous of bringing it on, that we inclined to have their Lordships Moved for a day to be Appointed for that End; but it was judg'd expedient first to advise with our Counsel the Solicitor Generall, And accordingly got a Case Stated which we send here inclosed with his Opinion thereupon Whereby it appears that he is absolutely against our pushing forward that affair at present for Reasons he gives therein to which we refer, but as soon as ever there shall be a Suitable Opportunity for it, We shall not be wanting in our duty to do our utmost for the Service of the Province, and have some Ground to hope for success therein; We Observe that the Generall Court has been informed that Capn Thomlinson assumes to himself a great deal of liberty in giving out that the Rt Honble the Lords of Trade are extreamly engaged in favour of New Hampshire We do not Apprehend that what he may boast of is much to be regarded, for that the present dispute is now depending before His Majesty and the Lords of His Privy Council where we may justly Expect an impartial Determination.

In Order to strengthen our Cause have thought it necessary to get Doctr Halley the Cheif Mathematician in England to look over our Charter, and the Book of Proceedings before the Commrs and to give his Opinion in Writing as to the genuine construction of the Words North Westward who has done it Accordingly whereof we also here inclose a Copy. And which we apprehend will be of good Service to us at the Hearing

With due Respects to the Generall Court We remain

Their Faithfull Freinds

Fra Wilks

Richd Partridge

[*Extract of Letter from Agent Wilks to Secretary Willard, April* 6, 1739.]

[Mass. Archives, Vol. 53, p. 38.]

* * * * M^r^ Partridge & I Omit writing you by this Oppertunity, nothing having offered in the Affair of the Line since our last; We are uneasy at that matter being so delay'd but there is no remedy, the New Hampshire Solicitor resolving to Oppose any Application We can make towards bringing on the grand Hearing, before their Complaint against Govern^r^ Belcher be over I am S^r^

Yo^r^ most Obed^t^ Serv^t^ Fra Wilks

[*Letter to Massachusetts Agents*, 1739.]

[Mass. Archives, Vol. 53, pp. 39–43.]

Boston, April 26^th^ 1739—

Gentlemen, Your Letters of February 9^th^ March 2/16 we have received, and with the last a new and very Extraordinary Petition from m^r^ Tomlinson to His Majesty, and althô it more expressly points at his Excellency the Governour, yet we are apprehensive the false Suggestions in it, if not removed, may have an ill Influence on the Dispute about the line, for this Reason, as well as that Truth and Justice may take place as to the Governor, The General Court have thought it necessary for them to send the several papers records and Evidences herewith transmitted, under the Seals of the Provinces; whence they are taken, respectively; whereby it will appear in the clearest manner, that the aforementioned petition is a most gross misrepresentation, for how can the Governour by possibility be taxed with Negligence as to His Majestys Instruction about setling the line with New Hampshire, when in his first Speech and in almost every other Speech as well as many Messages for about two years together, he was always pressing that affair, and how is it possible for m^r^ Tomlinson with any colour to Suggest, that the Governour was so partial to the Massachusets and acted in Concert with them, when upon the miscarriage of his Endeavours, he wrote to the Lords Commissioners for Trade and Plantation with so much plainness & Freedom; if not Severity, laying the blame of his ill Success in that affair on the Massachusets, in order to bring about a Setlement by the more immediate Interposition of His Majesty; of which the New hampshire Agent took particular notice and made Special use, in

procuring the present Commission under the Great Seal for Determining this affair.

And alike groundless is m^r^ Tomlinson's Declaration of the Governours Endeavours to prevent the Execution of His Majestys Commission, and especially what he says of the Governours preventing the Newhampshire Assemblys preparing for the Commissioners, when they came August 1^st^ 1737; So far from this, that on the Earliest Notice, that there was a Commission intended to be made out, and several days before it was really made out and a month or two before there was any news here of its being made out, the Governour gave his consent and Compleated the appointment of a Committee to represent and act for New Hampshire before the Commissioners in this affair of the line, with power of drawing money out of the Treasury, as you may see by the act of the whole General Court of New hampshire of April 1^st^ 1737, which you have herewith under the Seal of that Province, & by this Authority, and this only they appeared, nor was there any objection made by the Commissioners or by the Massachusets to the Commissioners, or by New Hampshire People of its insufficiency, or any desire of more or other Power; whereas the Massachusets had no Committee appointed for, nor a single Person authorized by their General Court, to appear for them till the Court sat the 4^th^ of August, three days after the day appointed for the Commissioners meeting, so that any impartial Person must think; there is much more colour for Suspecting partiality in the Governour in favour of New hampshire than the Massachusets, for he did not adjourn Newhampshire Assembly to the 4^th^ of August, till they had provided and duly authorized a Committee, but the Massachusets Assembly were put to the same time without a single man's being impowered to plead for them; This will appear from the appointment of the Massachusets Committee which was August 5^th^ 1737, which we have sent you also Authenticated, and being thus unprovided, the Governour and Council of the Massachusets were obliged in the recess of the Court to send two Gentlemen to the Commissioners to excuse their not appearing there by a Committee of the whole Court, and to pray an adjournment, that the Massachusets General Court might have opportunity to appoint such a Committee, upon which the Commissioners did adjourn for that purpose thô prevailed upon with great difficulty, and the Court appointed a Committee or Agents accordingly.

As to what m^r^ Tomlinson says of our rising or growing in our Demands upon his Excellencys being appointed Governour, it is without any shadow of Truth, for the Massachusets have often, and many now think they justly may, and ought to claim much more, but never

did in one single instance demand or claim less, either formerly or lately, and we Challenge m^r^ Tomlinson and all the world to shew any thing contrary to what we now say, so very false is this Representation that just the reverse is the truth, for heretofore the Province of New Hampshire would gladly have submitted to what we now demand, and did not formerly pretend to any thing more, but the Massachusets till the Setlement of King Charles 2^d^ 1677 claimed all New hampshire and many miles to the northward, and since that Setlement down to Governour Belchers arrival they claimed the line we now insist on, and the Towns adjoyning to this line where they went beyond into New hampshire, for which we were willing New hampshire should have Equivalents.

There is a very indecent as well as unjust reflection on his Excellency the Governour as well as the General Assembly, that the Governour acted with the greatest partiality toward the Massachusets and that they gave him a thousand pounds as a reward or bribe for it, This is so groundless, that it is surprizing m^r^ Tomlinson could have assurance enough to hint at any such thing, we are not designed to be the Governour's Compurgators (he is very well able to vindicate himself) further than the Controversy of the line requires it; The true State of the matter of the thousand pounds given the Governour is this, there never hath been any Extraordinary Service which the Governour hath been called to in discharge of his Trust as Governour, as going eastward & westward to view the Frontiers some years since &c, but that the General Court have given him something to defray the Extraordinary Expence, and while the Governour was challenging a large sum as his due for the sinking of the bills and was puting himself to extraordinary Charge in Journeying and while absent from his Family to attend the Courts of the two Provinces in this affair, and when they Encreased their own pay for their Extraordinary trouble above one third they might well make the Governour a Grant in consideration of his great and extraordinary Charge as well as of the dearness of provisions and other necessarys of Life at that time, which is agreeable to the tenor and purport of the said Grant.

As to the heavy Complaint m^r^ Tomlinson makes of the Governours Dissolving of the New Hampshire Court, It is difficult to find out why the People should not have the same liberty of electing a new assembly as has been usual. Had not this assembly sat the usual time or had there been any other effect of this dissolution than what is common something might with some colour be said —

As to the Suggestion that the Assemblys Agent could not act by reason of this dissolution there can be nothing in it, Inasmuch as m^r^

Rindge their Agent and m[r] Tomlinson Deputed by him, acted for a long time notwithstanding sundry dissolutions, and were accepted at Home accordingly.

The Suggestion that the House had no opportunity to obtain the Councils Concurrence with them in appealing, must appear very groundless, if it be considered, that the Court of Commissioners adjourned for several days for that very purpose, and desired the New Hampshire Committee to move their House to send up their vote for appealing, to the Council for their Concurrence, and which it appears they had opportunity to do, althô they did not, for in this very time they sent up a vote for raising money for their Agents, thô they never sent up this vote for appealing. —

April 26, 1739 L[r] to M[r] Wilks Copy

[*William Dudley to Richard Waldron*, 1739.]

[Mss. Prov. Boundaries, pp. 29–32.]

Sir, As Mr. Thomlinson to Support his Complaint against His Excellency hath Obtained an Order from the Lords of the Committee of Council for Plantation affairs, for Copys of such Minutes and Proceedings of the Governour Council and Representatives of Your Province joyntly and Severally as he shall Choose to be Authenticated by the Governour or Commander in Chief in the said Province under the Seal of the Province: We have thought it necessary to furnish Our Agents with the like Authenticated Copys for their Instruction, that they may be no ways Surprised.

We Pray You therefore, as the Agents for Your Province shall Apply for these Copys to be Authenticated, to make out Duplicates of the same Copys Authenticated, and transmit them to Us for that purpose

And if they shall pick out any particular Minutes that may by themselves be perverted to put false glosses upon the Case, but by annexing any Other Minutes or proceedings relating to the same purpose the Matter may be set in its true light, We pray You to Annex those Others to Our Authenticated Copys, more fully to discover their Art.

We also Desire Authenticated Copys of the Governours Motion to Your Assembly to Chuse Public Officers, the Assembly's Answer and the Appointment of New Hampshire Committee to prepare the State of Their Demands Pleas &c. and of all Votes of the Council

and Assembly from 13th October to the Adjournment or Prorogation of the Court respecting their Appeal from the Commissioners Judgment: And of the Commissioners Adjournment from 14, to 17. October to give them Opportunity of Appealing, Or the Affidavit of the Clerk of such Adjournment for that Intent

And as you are thoroughly acquainted with all the Minutes and Proceedings of the Governour, Council and Representatives upon the Affair of the Line from the first Notice of the Commission 'till the Appeal here was finished, if it would not be too tedious, and might set the Matter in a full light, and perhaps Shew us such things as may Serve Us Which We know nothing of, then We pray You to take out the whole and send it to us Authenticated under Your Province Seal as soon as may be, with an Account of the Cost of it, And We shall chearfully Satisfy Your Cost and Trouble about the same.

To Conclude, We desire Duplicates of the Authenticated Copys you send us for fear of Accidents, under Cover and direction to the Secretary of this province

In the Name & by Order of a Committee of the General Court or Assembly I am sr

Your most Obedient Humble Servt

Bost° April 26th 1739 Wm Dudley

The Honble Richd Waldron Esqr

[*Committee of Massachusetts to Interview John Tufton Mason*, 1739.]

[Mass. Archives, Vol. 5, p. 120.]

In Council June 29, 1739

Whereas it is reported that John Tufton Mason who went for Great Britain the last Fall on the Affair of the Boundaries between this Province and the Province of New Hampshire on the Charge of this Province is returned hither, althô he has given no Acct to this Government of his Conduct in the Affair above mentioned nor of his Expence of the Money he has received by the Order of this Court for defraying his Charges.

Ordered that Wm Dudley, Anth° Stoddard, Tho. Berry & Benja Lynde Esqrs with such as shall be joined by the Honble House of Representves be a Committee to enquire of the said Mason of the Matters aforesd & report thereon. Sent down for Concurrence.

J Willard Sec'ry

In the House of Rep^ves June 29, 1739

Read & Concurd & John Chandler Esq^r, M^r Tho^s Cushing Joseph Dwight Thomas Greaves & George Bunker Esq^rs Are joined in the affair J Quincy Sp^kr
Consented to J Belcher

[*Agents Wilks and Partridge to Secretary Willard*, 1739]

[Mass. Archives, Vol. 53, p. 50.]

London 10th August 1739.

M^r Secretary./

We duly rec'ed Via Bristol the Letters writ us by Ezekiel Lewis Esq^r in the Name And by Order of the Committee of the 24th of May, & 25th June, togather with the several Papers therein mentioned properly Authenticated, which will be of good Service to us in Enabling us to be the better prepar'd Against the Hearing before the Lords of the Committee, We Suppose the New Hampshire Solicitor has rec'ed the Papers which they waited for from thence, for three days ago he gave Notice of his Intention to Move the Lords of the Committee at their next Sitting that a day may be Appointed for the Hearing the New Hampshire Complaints against the Governor. (till which be Over there's no likelihood as we formerly Advis'd That The Lords wou'd at all Enter upon a Hearing about the Affair of the Boundaries.) the next Committee is to be Held on the 15th Instant and after that, its thought they will break up & retire for about two Months to their Country Seats, and probably appoint a time for our Hearing at their return to the City, But let it be when they think fit, we shall be ready.

And the Court may depend, that nothing shall be wanting on our part for the Interest and Service of the Province We Represent, who are with Due Respects to them

Their Faithfull Friends
Fra Wilks
Rich^d Partridge

[*Agent Partridge to Secretary Willard*, 1739.]

[Mass. Archives, Vol. 53, p. 53.]

Secretary Willard

In a Letter writ thee of the 10th Augt from Agent Wilks and my Self, We acknowledg'd the Receipt of the several Authenticated Papers from the Committee respecting the disputed Boundaries, of which We shall make all the necessary and proper Use at the Hearing: We can assure the Genl Court, That the Delay has not been owing to any want of Care and Assiduity in Us, but upon Application to our Sollicitor to bring on the Appeal, He assur'ed us, That as a Complaint was depending before the Lords Committee against the Governour which must in the Issue Affect the New-Hampshire Appeal in several Points of Form, The Lords would not therefore by any means be induc'd to hear your Appeal, till that Complaint is determin'd, so that affecting any Dispatch would have prejudic'd your Cause; but not content with this Answer, We laid a Case before the King's Sollicitor General for his Opinion who entirely concurr'd with our Sollicitor Sharpe, as appears by the Case which you long since receiv'd, and which we hope will be considered as a full Vindication of our Measures. The Lords have appointed the first Committee in November for Hearing the Complaint, and as soon as that is determin'd, We shall move for a Day for taking the Appeal into Consideration, and the General Court may be assur'd of our utmost dispatch and Vigilance for their Interest; and of their being advis'd of our Proceedings by every Opportunity

Francis Wilks Esqr the stated Agent is confin'd by a Disorder which unqualifys Him at present for Business, and till he recovers I shall think it my Duty to acquaint the General Court with any Occurrences here respecting the Province whose Interests and Welfare I sincerely Wish, and shall Zealously espouse and Promote upon all Occasions to the best of my Understanding and Ability. I am

With Respects to the Council and thy self,

Their and thy Hearty & Real Friend.

Londo Octor 1st 1739. Richd Partridge

[*Reappointment of John Thomlinson as N. H. Agent*, 1739/40.]

[Mss. Prov. Boundaries, p. 170.]

Province of
New Hampshire } In the House of Representatives

WHEREAS John Thomlinson of London in Great Britain Esq^r^ Agent for this House, hath with great Prudence Dilligence & Industry pursued the Instructions he hath from time to time received from former Assemblys in relation to the Setlement of the Boundary Lines and all other affairs for the well being of this Province,

Whose conduct hath always been to the great acceptance of former as well as to this House

WHEREFORE, VOTED, That the Hearty thanks of this House in the Name and behalf of the good People of this Province whome we Represent, be given to the Said John Thomlinson Esq^r^, and he is hereby Earnestly desiered to continue his good Offices in Prosecuting all affaires on behalf of this House that may yet lie before his Maj^tie^ in Council, or may come before his Majestie in Council relating to this Province, And that he is by this vote fully Authorized & appointed Agent for this House, and as Such to act & Transact any Such thing or things as Shall be Transmitted him by the Committee for the good of this Province, And that M^r^ Speaker Wiggin John Rindge Esq^rs^, M^r^ Thomas Packer, M^r^ Samuel Palmer, M^r^ Samuel Smith, Cap^t^ Icabod Roby and M^r^ George Walton be a Committee of this House to write to the Said Agent & Send him a Coppy of this Vote

ffebruary the 5th. 1739/40 — James Jeffry Cle^r^ Ass^m^

Copy Examined ℔ — James Jeffry Cle^r^ Ass^m^

[*Agents Wilks and Partridge to Secretary Willard*, 1739/40.]

[Mass. Archives, Vol. 53, p. 60.]

Secretary Willard

Sir./ After our Sollicitor had moved for a Day to be appointed for Hearing the Affair of the Boundaries with New Hampshire before the Lords Committee of Council, they appointed the 5^th^ instant for it, against which our Soll^r^ was fully prepared by stateing and getting

Printed our Case at large for the Lords perusal and fully Instructing our Counsel who were the Soll^r General and Counsell^r Hollings we having also had a Consultation before hand for their better Information wherein our Soll^r to do him Justice took as much Pains (according to our Observation) as it was possible for Man to do having also got a Copy of Mitchel's Plan Reduc'd to a suitable size to be deliver'd with the Printed Cases. He also Provided a good Mathematician to attend the Lords Committee. A Copy of the Instructions he gave the Counsel together with one of our Cases and one of theirs with his Observations thereon wrote in the Margent together with the Plans on both sides, are herewith sent, and from all which You will see and we hope be fully satisfied of the Pains our Sollicitor took herein. The Hearing lasted several Hours the first time, when it being late before they had gone through the Pleadings they Adjourned to the 11^th^ wherein our Counsel took a deal of Pains and urged Matters in Question learnedly and very amply in all respects setting forth the Nature of the Massachusetts' Charters, their Possession, and particularly insisted on the Settlement made by the Lords of the Council in 1677. The first Constitution of the Government of New Hampshire to President Cutts, an Authentick Copy whereof our Soll^r got from the Rolls, The Plan taken from New Hampshire Records and all the New Hampshire Commissions from President Cutts to Govern^r Belcher, all which we prevailed to have read and the same were read accordingly. — We also produced the Evidences as to the Extent of the Calling the River Merrimack by that name up to Winnipisiokee Pond. We also Examined our Mathematician who fully proved by a Map of Sir Jonas Moore's in his 2^d^ Volume printed after his death, and so long ago as the Year 1681, that this River was describ'd there in the same manner as it appears on Mitchell's Plan, and was called Merrimack from the Sea to Winnipisiokee Pond.— But all was Labour in vain, For the Lords wou'd have little regard to what was Urged Treating it all as immaterial unless we cou'd prove the Discovery, Name, and Courses of this River were fully known at the time when the first Charter was Granted, a thing absolutely impossible to be done by the oldest Man living. They likewise seemed strongly of Opinion that as our Eastern Boundary by the Grant was to be on the Atlantick Ocean, that if it shou'd be allowed as we Contended for, the said Eastern Boundary cou'd not be on the Sea, but upon the upper or Western part of New Hampshire, and that it was impossible when the River it self run North, to be a Northern Boundary — And upon the whole after we were Ordered to withdraw, they came to a Resolution to Report that the Northern Boundary of the Massachusetts should be a curve Line to

run 3 Miles North from the River Merrimack parallel with it from the Sea up as high as Pantuckett falls and thence a strait Line to be drawn due North 3, Miles at the end of which a strait Line to be drawn due West 'till it meets with His Majesty's other Governments which shou'd be Fixed for the Massachusett's Northern Boundary — For as to New hampshire the Lords (quite different from what the Commissioners had done) considered them as quite out of the Case and very unfortunately for Us considered the Question as between Massachusett's and the Crown and that whatever was not granted to Us belonged to the Crown. And therefore thought it right these Boundary Lines shou'd Run 'till they meet with His Majesty's other Governments. As to the other Line we read D^r^ Halley's Opinion as to the word Northwestward and had a Mathematician present to speak to it, Notwithstanding which and tho' they had no Mathematician present nor the Opinion of any to produce we were not able to prevail on this Point neither, But as to this Boundary the determination of the Commissioners stands.— We are concerned that after all our Endeavours we should have no better Success, but we can with Confidence say, nothing has been wanting on our parts in the Prosecution of the Affair that might have had a Tendency to the Interest of the Province we represent, having also had the Advantage of the Assistance of our Friend Kilby who arrived at London in due time to see what preparations were made and to be at the Hearing-— We are with great Respect to the General Court

Their faithful Friends & most Humble Servant

London, 20th March, 1739/40. Fra Wilks
Rich^d^ Partridge

Inclosed is a list of what goes Inclosed

[*Agent Wilks to Secretary Willard*, 1739/40.]

[Mass. Archives, Vol. 53, p. 62.]

M^r^ Secretary./

Sir : / This Opportunity Presenting which is the first for some time of sending to New England, think it may be Expected by the Great & Generall Court to have some Account of their Affairs, but as it is a round about way, & a Ship is in few days bound for Boston directly shall only Acquaint the Court that the 5th Instant was Appointed for the Hearing about the Line with New Hampshire when their Lordships determin'd, Viz^t^ That the Northern boundary of The

Massachusets shou'd be a Curve Line to Run three Miles north of the River Merrimack Parallel with it from the Sea up as high as Pantucket Falls, & thence a strait Line drawn due North three Miles, at the End of which a strait Line should be drawn due West till it meets with His Majestys other Governments which should be fix'd for the Massachusets Northern Bounds; And as to the other Line between New Hampshire & the Province of Maine they Confirm'd that as the Commissioners have Adjudg'd it, a more particular Account of the Matter with the Cases &c[a] shall be sent by a Ship direct in few days. I am with great Respect to the General Court, Sir

Your most Obedient Servant

London 21[st] March 1739/40. Fra Wilks

[*Petition for Separation of N. H. from Mass.*, 1740.]

[Mss. Prov. Boundaries, pp. 164–166.]

To the Right Hon[ble] the L[dds] of the Committee of His Majestys Most Hon: Privy Council —

The hum: Petition of Jos: Gulston Merch[t] and Contractor for Supplying masts for the Royal Navy Benning Wentworth, one of His Maj[tys] Coun[l] for the Prov: of N Hamp[r] and Rich[d] Chapman and Jn[o] Tomlinson Merch[ts] in behalf of themselves & sundry other persons interested in and trading to His Majestys S[d] Prov: of New Hamp[r] — Sheweth

That yo[r] petitioners by a former Petition humbly Represented, that they were all considerable traders to New Hamp[r] had great effects there as well as valuable Ships lying and building in the river of Piscataqua, that the S[d] Prov: was then in a Most naked and defenceless condition the fort at the entrance of the s[d] River quite Ruined & useless, and the Militia neglected and destitute of proper Arms, so that on a Rupture your Petitioners effects and indeed the Prov: might become an easy Prey to the Great damage of your Petition[rs] and to the distress of His Majestys service by the loss of that usefull Province from whence the Royal Navy was chiefly Supplyed with masts, And therefore Pray'd that that affair might be Represented to His Majesty, and that Effectual means might be taken to protect the Petitioners propertys as well as the lives and propertys of His Maj[tys] good subjects Residing there Which Petition was by yo[r] L[d]ships order of 31 July 1739 referr'd to the consideration of the L[dds] Com[rs] for trade and plantations, who made a first Report to yo[r]

L^d^shipps on 10^th^ Aug^st^ 1739, that it appeared to them that the s^d^ Colony was in a weak and defenceless condition, and that they were of opinion it would be for His Majesty's service and the good of the S^d^ Colony that it Sh^d^ have a distinct Gov^r^ —

That afterwards a Memorial was presented by Rich^d^ Partridge Agent for the Gov^r^ together with some Petitions and Addresses w^th^out date pretended to come from some Inhabitants in the S^d^ Province desiring to be continued under their present Gov^r^ and even to be annexed to the Governm^t^ of the Mass^a^ Bay and Praying in Regard to their Supposed poverty not to be put to the Charge of maintaining a Person to be Gov^r^ of N Hamp^r^ onely.— Whereupon yo^r^ L^d^-ships on y^e^ 29 of y^e^ same Aug^st^ were pleased to referr back y^e^ S^d^ former Report together with s^d^ New Memorial and Addresses for the further consideration of y^e^ L^ddS^ Com^rs^ for trade and Plantations ; Who made a second Report to your L^d^ships on 17 oct^r^ 1739 that they had Reconsidered their former report that they had also considered the S^d^ Memorial and Addresses ; That their L^d^ships had been attended by M^r^ Partridge Agent for the pres^t^ Gov^r^ And by M^r^ Hollings his Council & by Y^r^ Petiti^rs^ also That they had Examined Several Witnesses and read many papers That it appeared that the S^d^ Province had been in a naked and defenceless Condition for a long Course of years. That it could never be for his Majesty's Service to annex His Province of New Hamp^r^ as an Encrease of Territory to y^e^ Mass^a^ Bay Since by daily Experience Their L^d^Ships Saw that neither His Majestys Royal Orders nor the Laws of Trade & Navigation met w^th^ a chearfull Complyance in the Charter Governm^ts^ — Nor did Their L^d^Ships see any reason for altering their opinion from any thing that had appeared on that hearing with respect to the appointment of a Seperate Governor for N. H. — That his Majesty had been lately pleased to Seperate the Jerseys from N. York & their Lordships apprehended the reason would be Stronger in the present Case forasmuch as the People of the Mass^a^ Bay had shewn Evident marks of oppression by the unreasonable delays they had made in the Settlem^t^ of their Boundaries That the weight of the larger Governm^t^ would always be felt by the lesser annext to it under the Same Gov^r^. That if the Inhabitants of N H were under a distinct Gov^r^ it was probable they might with more chearfullness exert themselves in the Case of Their Fortifications & in providing for the defence of Their Country — But if His Majesty Should graciously incline to grant Their request Since contrary Evidence had appeared on that occasion, Their Lordships conceiv'd it might be proper to take once more the Sense of Their Assembly upon that Subject and also to know what Provision they were willing to make for a Seperate

Gov^{r}.— That Since Such last report has depended before Your L^{d}Ships the Several following matters have interven'd relating to the Subject thereof.— The Votes of Regular Town Meetings purposely call'd at the principal places from whence Such pretended Addresses came have been sent over hither protesting agst the matter of Such pretended Addresses as well as the undue method used in getting Such papers from the very lowest of the People only.—

Also His Majesty in Council by His Royal & Judicial Determination of 9th April 1740 made upon the Appeals of both Provinces relating to Their Boundaries has been pleased to ascertain what shall be the bounds of the said two Provinces whereby an exceeding large Territory all of which has been claim'd and great part thereof actually encroacht upon by the Mass^{a} Bay has been adjudged to belong to His Majesty by which accession (if the bounds shall be duly laid out) N H will become a very considerable Province & at least eight times larger than it was before accounted althô not yet settled.— That Six of the Coun^{l} of N. H. in favour of the present Gov^{r} & for his Sake only presum'd very lately to Petition His Majesty to annex his own whole province of N. H. to the great Charter Governm^{t} of the Mass^{a} Bay & to turn off the antient Settlers and Possessors & give them new wilderness lands in Lieu of their Plantations but Such Petition was rejected in Council on 29 May 1740 — That the Sitting of an Assem^{y} in N H in order to declare their Sentiments once again depending entirely on the pleasure of the Gov^{r} (who might very well know the Sentiments of the whole Country) and the time thereof being altogether uncertain under the Scituation a very large majority of the then late House of Represen^{s} & of every House of Represen^{s} which had been Elected during the whole Eleven years of the present Gov^{rs} Governm^{t} & five also of His Majestys Council of N H and most others of the principal Gentlemen & Considerable Persons there did on 10th July 1740 by a Solemn Instrument Under all Their hands & Seals fully Authorise one of Your Petitioners to declare their most Earnest desire & Intreaty that His Majesty would be graciously pleased for the many reasons therein Contained to Seperate them from being under the Same Gov^{r} with the Mass^{a} Bay & to appoint a new Seperate Gov^{r} for N H and further Authorised Your said Petitioners To promise & undertake on their behalf that they would chearfully & readily give such Gov^{r} to the utmost of their Abilitys and do every thing which His Majesty could Expect from a loyal & Dutifull People.—That very soon after the date of that Instrument His Majestys Instructions relating to the intended Expedition lay'd the Gov^{r} under an inevitable necessity of calling an Assembly and letting them Sit also and the House of Represen^{s} on the very

day the Gov^{r} had opened the Sessions and made his Speech to them for fear of a Sudden Dissolution as usual came to a resolution and past a Vote upon the 1st of August last most fully declaring their Sense & also their earnest desire and request to be put under a Separate Gov^{r} from the Mass^{a} Bay as by Their Said Vote duly authenticated along wth many other papers under the great Seal of the Province, and a Copy whereof is hereunto most humbly annexed may appear.— That the Assem^{y} was Dissolved wthin Six days after such resolution namely on 7th August 1740 and there is no Assem^{y} now in being there.— That as to the point Contested before the Lords of Trade the Assem^{y} have by the said Vote declared Their Earnest desire that the Said Province may be put under a Separate Gov^{r} it being their humble opinion agreeable to that of the L^{ds} of Trade that the Separation of the Govern^{mt} is the only thing to keep that Province from Sinking & to make it a usefull and flourishing Colony.—

WHEREFORE YOUR PETITIONERS most humbly pray Y^{r} L^{d}Ships to take the said matter into your Consideration and make Such Report thereon to His Majesty as that N H may be forthwith Seperated from being under the same Gov^{r} with the Mass^{a} Bay And Your Petitioners as in duty bound Shall Ever Pray &c^{a}

John Thomlinson
for the Petitioners

[*Extract of Letter from Agent Wilks to Secretary Willard, May* 8, 1740.]

[Mass. Archives, Vol. 53, p. 63.]

* * * * I Advised in my former of Petitioning His Majesty in behalf of the Province of The Massachusets Bay to have the Lands taken from them by the late determination of Councill but have been since Advised against it, and that it will be better receed from the Inhabitants of those Lands which I hope will be sent as soon as possible. The Report of the Lords of Trade about proper Instructions for his Majesty to send agreeable to the Determination is not yet made, when it is and I can have a Copy thereof it shall be sent, Also the Pictures for the Councill Chamber when ready, a Commission is moved for & Ordered Impowering Persons to settle the Line betwixt Massachusets & Rhode Island Goverments which shall also be sent. I am with Great Respect to The General Court./ Sir.

Your most Hum : Serv^{t}

Fra Wilks

[*Massachusetts Vote, Appropriating Money to Buy Petitions*, 1740.]

[Mass. Archives, Vol. 5, p. 123.]

Anno Regni Regis Georgii Secundi Magnae Britanniae &c. decimo Quarto. —

At a Great & General Court or Assembly for His Majesty's Province of the Massachusetts Bay in New England begun & held at Boston upon Wednesday the Twenty eighth Day of May 1740. being Convened by His Majesty's Writs. —

In the House of Representatives Sept^r 6. 1740.

Voted that m^r Secretary Willard be directed to write to M^r Agent Wilks to Supply, the proprietors or Inhabitants of that part of the province affected by the Determination of the Line Controverted with New Hampshire, or their Agent or Representative upon their preferring a Petition or Petitions to His Majesty (approved of by a Committee of this Court) with a Sum not exceeding three Hundred pounds Sterling to be taken out of the Two thousand pounds lodg'd in said Wilks's Hands for the Service of the province In managing the Controversy of the said Line

Sent up for Concurrence J Quincy Sp^kr

In Council Sept^r 6, 1740.

Read & Concur'd and That William Dudley, Samuel Welles, Benjamin Lynde & Samuel Danforth Esq^rs with such as shall be joined by the Honourable House be a Committee for the purpose within mentioned.

Sent down for Concurrence Simon Frost Dep^t Sec^ry

In the House of Representatives Sept^r 6, 1740.

Read & Concurr'd & M^r Speaker M^r Hutchinson Judge Greaves M^r Bromfeild & M^r Cushing are Joined in the Affair any five of whom to be a Quorum J Quincy Sp^kr

Consented J Belcher.

A true Copy Examined ℔. J Willard Sec'ry

In Council Sept^r 11, 1740

Voted. That Anthony Stoddard Esq^r be Added to the Committee appointed to Consider of any petitions made or to be made to His Majesty by the Borderers on the Line that has been controverted by the Province of New Hampshire.

Sent down for Concurrence J Willard Sec'ry

In the House of Represent^ves Sept^r 12 1740
Read & Concur'd J Quincy Sp^kr
Consented. J Belcher
A true Copy Examined J Willard Sec'ry

The Comittee having attended the Service appointed them have receiv'd & do approve of the petitions from the several Towns & proprietys following viz. Salisbury Almsbury Haverill Dunstable Nottingham Litchfield Groton Townsend Gorham Township Tyngs Township Suncook, Contoocook Rumford the Township above Contoocook, Upper Ashuelots, Lower Ashuelots Rowley Canada Winchester, y^e Townships N° 1 N° 2 & N° 4 on the East side of Connecticut River N° 1 N° 4 & N° 5 of the line of Towns & N° 2 on the West side of Connecticut River & by the Vote of the above Towns & proprietys it appears that each of them have chosen Thomas Hutchinson Esq^r of Boston their Agent to prefer said petitions to his Majesty. In the Name & by Order of the Committee

Anth° Stoddard

[*King's Decision on Boundary Line Question.*]

[Mass. Archives, Vol. 5, pp. 115–119; N. H. Mss. Prov. Boundaries, p. 161; also Masonian Papers, Vol. 4, p. 171.]

85^th^ Whereas Disputes and Controversies have for many Years subsisted between His Majesty's loving Subjects of y^e Provinces of the Massachusetts Bay & New Hampshire in New England in regard to the boundaries between the said Provinces — and Whereas his Majesty was pleased by his order in Council Dated 22^nd^ January 1735 to direct that Commissioners should be appointed to mark out the dividing Line between the said Provinces — and also by His Majesty's Order in Council of the 9^th^ February 1736 to direct that a Commission should be prepared and passed under the Great Seal (which said Commission was accordingly issued out) for Authorizing such Commissioners to meet within a limitted time, to mark out the dividing line between the said Provinces, with Liberty to either Party who should think themselves aggriev'd by the determination of the said Commissioners to appeal therefrom to His Majesty in Council: which said Commissioners did make their report in the following Words —

Commissioners Judgement of Provinces bounds

"In Pursuance of His Majesty's aforesaid Commission the Court "took under Consideration the Evidences, Pleas and Allegations

"offered and made by each Party, referring to the controversy de-
"pending between them — and upon mature advisement on the
"whole, a doubt arose in point of Law, and the Court thereupon
"came to the following resolution viz^t That if the Charter of King
"William & Queen Mary — Dated October the 7^th in the third year
"of their Reign Grants to the Province of the Massachusetts Bay all
"the Lands which were granted by the Charter of King Charles the
"first Dated March the fourth in the fourth year of His Reign to the
"late Colony of the Mass^a Bay lying to the Northward of Merrimack
"River — then the Court adjudged and determined That a Line shall
"run parralel with the said River at the distance of three English
"miles North from the mouth of the said River – beginning at the
"Southerly side of the black Rocks so called at Low Water mark,
"and from thence to run to the crotch or parting of the said River
"where the River of Pemigewasset and Winipesiokee meet, and from
"thence due North three English miles, and from thence due West
"towards the South Sea untill it meets with his Majesty's other Gov-
"ernments which shall be the boundary or dividing Line between the
"said Province of the Massachusetts Bay & New Hampshire on that
"side, but if otherwise, then the Court adjudge & determine that a
"line on the Southerly side of New Hampshire, beginning at the
"distance of three English miles North from the Southerly side of
"the black Rocks aforesaid at Low water mark and from thence run-
"ing due West up into the main Land towards the South Sea untill
"it meets with his Majesty's other Governments, shall be the boun-
"dary Line between the said Provinces on the side aforesaid – which
"point in doubt with the Court as afores^d they humbly Submit to the
"wise Consideration of His most Sacred Majesty in his Privy Coun-
"cil to be determined accord^g to his Royal Will and Pleasure therein,
"and as to the Northern Boundary between the said Provinces the
"Court resolves and Determines that the dividing Line shall pass up
"thrô the mouth of Piscataqua Harbor and up the middle of the
"River into the River Newichwannock (part of which is now called
"Salmon falls) and thrô the middle of the same to the furthest head
"thereof, and from thence North Two degrees Westerly, untill one
"hundred and Twenty miles be finished from the mouth of Piscata-
"qua Harbor aforesaid; or untill it meets with his Majesty's other
"Governments and that the dividing Line shall part the Isles Shoals
"and run thrô the middle of the Harbor between the Islands to the
"Sea on the Southerly side — and that the South westerly part of
"the said Islands shall lie in and be accounted part of the Prov^ce of
"New Hampshire, and that the North easterly part thereof shall lie
"in and be accounted part of the Province of the Massachusetts Bay,

"and be held and enjoyed by the said Provinces respectively, in the same "manner as they now do, and have heretofore held and enjoyed the "same; and the Court do further adjudge that the Cost and Charges "arising by taking out the Commission as also of the Commissioners "and their Officers viz[t] the two Clerks, Surveyor and Waiter for "their Travelling Expences and attendance in the Execution of the "same, be equally borne by the said Provinces."

And whereas appeals from y[e] Determination of the said Commissioners have been laid before his Majesty by the Agents for the Respective Provinces of the Mass[a] Bay and New Hampshire, which said Appeals have been heard before the Committee of Council for hearing appeals from the Plantations who after having Considered the whole matter and heard all Parties concerned therein did report unto His Majesty as their opinion

Committee of Council Report to his Majesty.

"that the Northern boundary of the said Province of the Massa- "chusetts Bay are and be a similar Curve line pursuing the course "of Merrimack River at three miles distance on the North side there- "of begining at the Atlantic Ocean, and ending at a Point due North "of a place (in a Plan returned by the said Commissioners call'd "Pantucket Falls, and a strait Line drawn from thence due West "cross the said River till it meets with his Majestys other Govern- "ments, and that the rest of the Commissioners said Report or de- "termination be affirmed by his Majesty."

His Majesty's approbation of the Report.

which said Report of the said Committee of Council, His Majesty hath been pleased with the advice of his Privy Council to approve, and to declare, adjudge & order that the nothern boundary of the said Province of the Massachusetts Bay are and be a similar Curve line pursuing the Course of Merrimack River at three miles distance on the North side thereof, beginning at the Atlantick Ocean and ending at a Point due North of a Place in the Plan returned by the said Commissioners called Pantucket Falls and a strait Line drawn from thence due West across the said River till it meets with his Majesty's other Governments and to affirm the rest of the Commissioners said Report or Determination —

His Majesty's order to the Governor & Council./

Whereof the Governor or Commander in Cheif of His Majesty's said Provinces for the time being, as also His Majesty's respective Councils and Assemblies thereof, and all others whom it may concern are to take notice.—

It is therefore His Majesty's Will and Pleasure and you are hereby required and enjoyned under pain of His Majesty's highest displeasure and of being removed from your Government to take especial care that his Majesty's Commands in this behalf are Executed in the most effectual and expeditious manner to the end that His Majesty's good intentions for promoting the Peace and Quiet of the said Provinces may not be frustrated or delayed ; and you are likewise hereby directed to Communicate this Instruction to the Council and Assembly of His Majesty's said Province of New Hampshire, and to cause the same to be entered in the Council Book thereof.—

And for your further Information herein an Authentic Copy of the Plan returned by y^e^ said Commissioners is hereunto annexed.

True Copy as upon Record. T : Atkinson Jun Sec^ry^

It may be Observ'd that the Commissioners Considered the Massachusetts first Grant to extend to Indicuts tree (So Called) and I desire to know how this Com'Wealth are Justly abridgd of it by Surrender or Otherwise

And can M^r^ Bryants mistake in taking the N E branch Not more than equal to One third of the river (And of but ten Miles in length) alter the Just line for the Main river by Survey appears to Extend More westerly thirteen Miles beyond the place where the N E branch enters into it — and further by the Survey it appears that on that Mistake New Hamp^r^ Claims lands of about Seven Miles in breadth Near 90 Miles in length Equal to 12 Townships or More.

p^r^ E B —

[*Message from Massachusetts House to Governor*, 1740/1.]

[Mass. Archives, Vol. 5, p. 125.]

In the House of Rep^tves^ Jan^y^ 7, 1740

Voted that the following Message be Sent up to His Excellency the Govèrnour Viz.

May it please Your Excellency

The House having taken into consideration Your Excellency's Speeches to both Houses of the 22^d^ Nov^r^ and 31^st^ of Dec^r^ last, respecting the Boundary Line betwixt this Province and New Hampshire have *Voted* to refer the further consideration thereof till the next May Session. J Quincy Sp^kr^

[*Message from Gov. Belcher to Mass. Council and House*, 1740/1.]

[Mass. Archives, Vol. 5, p. 126.]

Gent[n] of the Council & House of Representatives

I have already laid before you his Majesty's orders to me for carrying his Judgment in Council respecting the Boundaries betwixt this Province & that of the Massachusetts Bay into execution and altho this Affair is under the absolute direction of the Kings Governor yet I shall be glad of your Advice & nomination to me of a double Number of Persons fit for the Service out of which I wou'd appoint a sufficient Number to go through the Business & in this Matter no delay must be made.

March 4[th] 1740 — J Belcher

Copy examined by — Geo : King Dep[t] Sec[y]

Copy examind by — Geo : King Cl

[*New Hampshire Appropriation for Settling Boundary Line*, 1740/1.]

[Mass. Archives, Vol. 5, p. 127, and N. H. Mss. Prov. Boundaries, p. 169.]

In the House of Representatives

This House having considered of his Majestys Instruction to his Excellency for putting his Royal determination respecting the bounday Lines into execution which is not directed to the Governor of New Hampshire but to the Governor & Commander in cheif for the Time being of the Massachusetts Bay to put the same in execution and therefore as we apprehend the Massachusetts ought to do it at their own expence And the Governor in a Message to this House of this Day says " Unless we make Provision the Matter must still remain undone

Therefore that the Affair be not delayed & that his Excellency be enabled to put the same into execution agreable to his Majestys instruction

Voted that the Sum of Five hund[d] Pounds (if there be Occasion for it) be drawn out of the Treasury of this Province (out of the Money remaining of the West India Expedition) and applied by his Excellency for putting his Majesty's royal determination on the boundary

Lines in execution and the aforesaid five hundred Pounds be appropriated for the aforesaid Use and to no other Purpose & Intent whatsoever & the Overpluss if any be to remain in the Treasury to be disposed of according to the Order of the General Assembly

March the 6th 1740/1 — James Jeffrey Cler: Assy

In Council Mar: 6 1740/1

Read & concur'd — Richd Waldron Secy

same Day Assented to — J Belcher

Copy examin'd by — Geo: King Deput Secy

Copy examin'd by — Geo: King Cl

[*Accounts against New Hampshire*, 1740/1.]

[Mss. Prov. Boundaries, p. 140.]

Dr THE PROVINCE OF NEW HAMPSHIRE IN LONDON.

1732			
Jany 22	To Cash paid Postage & Expences	£— : 5	—
26	To Coach hire & Expences	— : 4.	6
30	To Cash paid for the Charter	— : 9 :	6
31	To Expences with the Sollicitor	— : 2 :	10
Feby 2	To Cash paid for a map to Annex to the Petition	— : 13 :	6
6	To ditto pd Postage & Expences	— : 8 :	6
20	To do paid Coach hire & Expences to St James	— : 3 :	8
March 5	To Coach hire & Expences	— : 3 :	6
April 19	To Expences & Coach hire wth ye Sollicr	— : 4 :	6
20	To Cash paid Mr Paris	30 : 5 :	—
"	To ditto pd Coach hire	— : 2 :	6
23	To Expences going to the House of Lords on the Sugr Colony bill	— : 3 :	6
	pd for 100 Plans for the Province of New Hampshire —	5 : 5	—
	To so much paid ℔ Mr Thomlinson ℔ his Acco[t]	623 : 17.	3
		662 : 8 :	9
	Exchange 450 ℔ Ct	2980 : 19 :	4½
		£3643 : 8 :	1½

℔ Contra in New England Cr

By Cash Received out of the Treasury . . .	500:—:—
Ballance	3143: 8: 1½
	£3643: 8: 1½

Portsmouth October 13th 1737 Errors Excepted

J Rindge

Prov : of New Hampshire } Portsmouth Novemr 17, 1738 We the Subscribers being a Committee of Audit Appointed by the Generall Assembly for the Province aforesaid for Examining & Allowing of Accots have Examined the Above Acct, both Debt & Credit & find the Same to be Right Cast & Well Avouched by the Oath of said Rindge and Acct of John Thomlinson Esqr & that there is now due to sd Ringe from the Said Province of New Hampshr the Sum of Three Thousand one hundred Forty Three Pounds Eight Shillings & a penny half Penny as by the Above Acct

Josh. Peirce
Geo : Walton
Samuel Smith
J Odiorne Junr
} Committee

In the House of Representatives Mar 11th — 1740/41

The above return read and accepted : and Voted that the Balla of said accompt being three thousand one hundred forty three pounds Eight Shillings and one penny half penny : be allowed and paid out of the publick Treasury as soon as Provision is made for the same

Coppy James Jeffry Cler Assm

Read and non-Concurrd In Council March 18 1740/1

R Waldron Secry

[*Bill of Expenses against N. H.*, 1740/1.)

[Mss. Prov. Boundaries, p. 172.]

The Province of New Hampshire to Sundry Accots on the Affair of the Line Dr

1737

21 To Balla ℔ Settlement & Allowed ye 13th October 1737 . . . . . 207„17„ 7

22 To Majr Joshua Wingits Bill Since the 6 weeks Adjournmt 46,, 5,, 6
23 To Samuel Levits Bill keeping Commissionrs horses 12,, 5,, 6
24 To Benja Lamprey & ditto Transporting Commissionrs things . . . . . 2,, ——
To John Gains a Journey to Boston to Carry Papers . . . . . 3,, ——
To Jeremiah Libbey for his horse to Boston 3,, ——
To Mr Packer a Journey to Boston to Serve the Govr with the Copy of the order of the Committee of Council &c . . . . . 6,,10—
To 2 quire paper dd James Jeffry to Copy out the Journal of the house of Representatives — 12—
25 To John Browns after Bill 1,, 8,, 5
To Cash paid Mr Parker for the Copy of the Case . . . . . 30 ——
To Postage of Letters since October 1737 5, 10—
To the Honble the Commissionrs for Settling the Line vizt

Majr Phillips Esqr .	80 days			
Capt Otho Hamilton	80			
William Skeen Esqr	65			
Colo John Gardner	50			
John Potter Esqr .	50			
Ezekiel Warner Esqr	50			
George Cornel Esqr	50			
Vernon Esqr	15			
Phillip Levingston Esqr .	20			
	460 days @ 20/	460		
deducted being paid the Commissionrs & Allow'd		140.	15	319,, 5 —
The waiter Mr Esman				10 ——
The waiter that Came with Esqr Warner .				5 ——
To George Mitchell Esqr Surveyor . .				38, 6, 8
To Mr William Parker Clerk to the Commissionrs				53, 4 —
To George Jaffrey Esqr After Bill . .				7, 1, 6

Portsmouth Novemr 15th 1738 £751,, 6,, 2

Sha Walton — Andr Wiggin
Geo Jaffrey — J Rindge
Jotham Odiorne — Thos Packer
Theodore Atkinson — James Jeffry

Jan^{r} 28th 1741 : In the House of Representatives
voted : the above acc^{t} be allowed and paid out of the Treasury (when Supplyed James Jeffry Cl^{r} Ass^{m}

In Coun^{l} feb: 13, 1741, 2
Read and Concurr'd Rich^{d} Waldron Sec^{ry}

Feb: 13: 1741/2 Assented to B Wentworth

Pro^{ce} of New Hamp^{r} } Portsm^{o} Nov^{r} 17, 1738

Wee the Subscribers being a Comittee of Audit appointed by the General Assembly for y^{e} Province Affors^{d} for Examining and Alowing of Acc^{tts} have Examined the within Acc^{tts} of y^{e} Committe apointed to wate on y^{e} Commis^{rs} for Settling y^{e} Boundary Lines Between S^{d} Prov^{ce} and y^{e} Massachusetts and ffind y^{e} Same to be well vouched and Right Cast and that there is now Due to S^{d} Comitte from y^{e} S^{d} Prov^{ce} of N Hamp^{r} the Sum of Seven hundred ffifty one pounds Six Shillings and Two pence by y^{e} within Acc^{tt}

Josh: Peirce
Geo Walton
J Odiorne Jun^{r}
Sam^{l} Smith } Comitte

In the House of Representatives Ma^{r} 11th 1740/41 The above Return Read & accepted and Voted : That the Ballance of Said Accompt being Seven hundred & fifty one pounds Six Shillings and two pence be allowed and paid out of the Public Treasury as soon as Provision is made for the same James Jeffry Cle^{r} Ass^{m}

[*Appointment of George Mitchell as Surveyor of Boundary Line*, 1740/1.]

[Mass. Archives, Vol. 5, p. 132, and N. H. Mss. Prov. Boundaries, p. 232.]

By his Excl^{y} Jon^{a} Belcher Esq^{r} Cap^{t} Gen^{l} & Gov^{r} in chief in and over his Maj^{ys} Prov^{e} of Mass. Bay in N. England —

To Geo Mitchell Esq^{r} GREETING, having lately received his Majesty's royal instruction requiring me to take especial care that his Majesty's Judgment in Council relating to the boundary lines between the Province of Massachusetts Bay & this Province be executed in

the most effectual manner; and in order to the accomplishing the end in the said Instruction proposed.

You being well skilled in the art of Surveying and now under oath, justly faithfully & impartially according to your best skill and Judgment to run and mark out such part of y^e^ s^d^ lines as shall be assigned you.

I do therefore hereby appoint you the said Ge^o^ Mitchell Esq^r^ to run and mark out that part of the boundaries which is a similar curve line pursuing the Course of Merrimack River at 3 miles distance on the North side thereof beginning at the Atlantic Ocean, and ending at a point due north of a place Called Pentucket Falls.

You are to make the best remarks you can in the Course of your Survey, and also to erect & make the best monuments you Can at all the remarkable places in your Course; all this you are to do with all prudent dispatch — and as soon as the same is accomplished you are to make return of your doings to me, with a plan of your Survey without delay —

Given under my hand y^e^ 16 day of March 1740–1

Jon^a^ Belcher

A true Copy taken at Dunstable in New Hampshire on the 28^th^ day of October A D 1825 from a Copy then produced by the Com missioners on the part of New Hampshire & compared by —

[*Description of Line Surveyed by George Mitchell*, 1741.]

[Mass. Archives, Vol. 5, p. 134.]

A Description of the dividing line between the Provinces of Massachusetts Bay and New Hampshire, from the Atlantick Ocean to the boundary pine so called as the same was run and marked by George Mitchel Esq^r^ in the month of March A. D. 1741, and traced and run out by Caleb Butler and Benjamin F. Varnum Esq^rs^ in the month of August A. D. 1825, and reported to us by the said Surveyors from their field book to wit.

Beginning at a large stone in the Marsh about sixty two rods from high water mark, and about twelve rods from the high grounds on a beach, which stone is three miles and two hundred and twenty rods Northerly from where the Merrimack River now enters the Atlantic Ocean.

South 74° West 154 Rods { Thence One hundred & fifty four Rods to a log in the Marsh at the Creek. —

South 60° West 147 Rods{Thence One hundred and forty seven rods to a stone in the edge of the Marsh

South 70° West 196 Rods{Thence One hundred and ninety six rods to a heap of Stones.

North 45° West 798 Rods{Thence seven hundred and ninety eight Rods to a stake and stones by a Gravel pit.

North 62° West 274 Rods{Thence two hundred and seventy four rods to a stone marked HB.M.

North 82½° West 183 Rods{Thence one hundred and eighty three rods to a stone marked B, which is a Corner for Seabrook & Southampton in N. H.

South 81° West 240 Rods{Thence Two hundred and forty Rods to a large stone.

South 70 ° West 490 Rods{Thence Four Hundred and ninety rods, crossing Powow River three times, to a Stone in a wall

South 87¼ ° West 500 Rods{Thence five hundred Rods to a stump with Stones about it which is a corner of South Hampton and Newton N. H.

South 87½ ° West 308 Rods{Thence three hundred and eight Rods, to a stone set in the ground.

South 86⅔ ° West 242 Rods{Thence two hundred and forty two rods to a stake and stones.

South 52⅓ ° West 322 Rods{Thence three hundred and twenty two rods to a Stone in O Peasly's land.

South 31¾ ° West 367 Rods{Thence three hundred and sixty seven rods to a flat rock, on Brandybrow Hill marked A. H. the reputed corner of Haverhill & Amesberry, Newton & Plaistow N. H.

South 24¼ ° West 605½ Rods{Thence six hundred and five and an half rods to a stone in the ground near Ayer's hill.

South 64⅙ ° West 1154½ Rods{Thence eleven hundred and fifty four ½ rods to a Stake and stones.

South 69 ° West 630 Rods{Thence six hundred and thirty Rods to a pile of stones the reputed corner of Atkinson and Salem.

South 47 ° West 379 Rods{Thence three hundred and seventy nine rods to a stone placed in the ground the reputed corner of Haverhill & Methuen.

South 47 ° West 93 Rods{Thence Ninety three rods to a rock in Jone's Swamp.

South 4⅓ West 1159 Rods{Thence eleven hundred and fifty nine rods to a Stone in Strong water meadow.

North 65¼ West 691½ Rods{Thence six hundred and ninety one and an half rods to a stone and three swamp white oaks —

North 87¼ West 226 Rods{Thence two hundred and twenty six rods to a maple tree marked

South 76⅓ West 139 Rods} Thence one hundred and thirty nine rods to a stone set in the ground a reputed corner for Salem & Pelham

South 57½ West 203 Rods} Thence two hundred and three rods to a pile of Stones by a wall the reputed corner of Methuen & Dracutt.

South 50⅓ West 300 Rods} Thence three hundred rods to a heap of stones.

South 36¼ West 351½ Rods} Thence three hundred and fifty one and an half rods to a heap of stones by a new road.

South 47¼ West 396 Rods} Thence three hundred and ninety six rods to a heap of stones near a flat rock.

North 82¼ West 443 Rods} Thence four hundred and forty three rods to a heap of stones the place called the boundary pine miles north of Pautucket Falls.

Dated at Boston the thirty first day of January in the year of our Lord, One thousand eight hundred and twenty seven. On behalf of and by direction of the Commission

Sam[l] Dana Com[r] first named in s[d] Com

[*Appointment of Richard Hazzen as Surveyor of Boundary Line*, 1740/1.]

[Mass. Archives, Vol. 5, p. 138, and N. H. Mss. Prov. Boundaries, p. 230.]

By his Excellency, Jonathan Belcher Esq[r] Cap[t] General and Governor in Chief in and over his Majesty's Province of the Massachusetts Bay in New England

[L. S.] To Richard Hazzen Gentleman, GREETING.

Having lately received his Majesty's Royal Instructions, requiring me to take especial care, that His Majesty's Judgment in Council relating to the boundary line between the province of the Massachusetts Bay and this province, be executed in the most effectual manner, and in order to the accomplishing the end in the said instructions proposed; — You being well Knowing in the Art of Surveying, and now under oath, justly, faithfully and impartially, according to your skill and judgment to run and mark out such part of the said line as shall be assigned you.—

I do therefore, hereby appoint you the said Richard Hazzen, as a surveyor to proceed immediately to a place or point three miles due

north from a place called Pentucket Falls in Merrimack River, and to go from thence due west, till it meets his Majesty's other Governments ; — And you are to take especial Care in this your survey, that you faithfully spot the trees, standing in the said line, and make the best monuments you can besides: You are to take particular notice of all hills, mountains, rivers, ponds, lakes and what else may be remarkable that shall lie in or near your way, and remark the same in the plan of your survey, which you are to make return of to me, together with a Copy of your Journal with all Convenient dispatch.

Given under my hand and seal the 17th day of March 1740 – 1

I the Subscriber do by these presents promise to do and perform the several articles, contained in the instructions on the other side of this paper, which on my part are to be performed in consideration of three hundred pounds in province bills of credit, fifty pounds part thereof, I acknowledge I have received and the residue of the said three hundred pounds to be paid when the Buisness is accomplished and a return of the plan and Journal made to His Excellency the Governor

Dated at Portsmouth, March 17th 1740–1

Test R. Waldron Richard Hazzen

A True Copy made at Dunstable in New Hampshire on the 28th day of October A D 1825 from a Copy then produced by the Commissioners on the part of New Hampshire & compared by

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RICHARD HAZZEN'S JOURNAL.

Introductory by Rev. Henry A. Hazen of Billerica, Mass., in N. E. Hist. and Gen. Register for July, 1879.

Richard Hazzen (the name is more commonly spelled Hazen) was appointed by Gov. Belcher and the Council of New Hampshire, March 17, 1740–1, to survey the western and principal section of the boundary between Massachusetts and New Hampshire. His Journal, while prosecuting the survey, is herewith presented.

The facts given in the April number of the Register (see page 234) of his family and history need not here be repeated. But it is proper to add, that since that article was printed, an error has been discovered in the reported date of his death. The *Boston Gazette*, Feb. 19, 1754, says: "We are informed that the latter end of the Week before last, Richard Hazzen, Esq., a noted and ingenious Surveyor of Land, was found dead in the road at or near Bradford, in

the County of Essex, his horse standing by him : As no marks of violence were found upon him, by the Jury of Inquest, 'tis tho't he was seized with a Fit and fell from his horse & dy'd." And April 1, 1754, Sarah, widow of Richard Hazzen, appeals successfully to the General Court for adjustment of a grant of "468 pounds for five years without interest," made to her husband the year previous. Feb. 7–9, 1754, must be the date, therefore, of his death.

This settlement of the boundary between the two states terminated a long and important contention between them. The original charters, granted in England, were very indefinite as to bounds. Little was known of the interior of the country, and the assumptions of the King's counsellors were as likely to be wrong as right. When Massachusetts was granted, with a boundary line three miles north of the Merrimac river, it was taken for granted that the general course of that river was east and west. The later discovery that its longer course was nearly north and south, upset all the first ideas of the relations of the two provinces. As long as the territory in question was not settled, and while both provinces were under one government, the rival assumptions were not practically harmful.

But the progress of settlement brought the question into pressing importance. In 1724 Henry Newman writes from London that he will defend the interests of New Hampshire "about the lines." In 1725 Massachusetts chartered Penacook ; and Gen. Wentworth at once called the attention of the legislature of New Hampshire to the encroachment. For fifteen years the controversy went on. Committees and commissions met and disagreed. Massachusetts was charged with intentional delay, and New Hampshire with extravagant pretensions. In 1737 the king appointed a commission, which met at Hampton in August, to investigate the whole question, and report. Gov. Belcher convened, at the same time, the General Court of Massachusetts at Salisbury, and that of New Hampshire at Hampton, for such communications with the commission or action as might be found desirable.

Massachusetts contended for a line three miles from the Merrimac as far as Franklin N. H. where the Pemigewasset and Winnepesaukee meet. New Hampshire maintained, "we know of no such name as Merrimack River any further than from the River's mouth as far as the salt water flows, or to the first falls about a mile above Haverhill Meetinghouse." The commission, in report to the king, substantially denied the latter assumption ; but gave greater weight to a difference in the charters of Massachusetts, as first granted in 1629, and re-granted by William and Mary. This question they referred back to the king in council, whether the second charter was as ex-

tensive as the first. On this point, in their judgment, the right of Massachusetts to follow the northward trend of the Merrimac depended.

The decision of the king was not reached until March 5, 1739–40. He set aside, in substance, the results and questions of the commission, and said that as far as the river followed a westerly course, the line should be governed by it; but when it turned to the north the line should continue westward. This decision, setting aside a large part of the claim of Massachusetts, was a substantial triumph of New Hampshire. Still, in equity, Massachusetts would hardly have had ground of complaint if the principle of the decision had been adhered to in fact. But by fixing Pawtucket Falls as the starting point of the measurement, the king really gave New Hampshire the benefit of the considerable southward trend of the Merrimac to that point, and deprived Massachusetts of a strip of territory fourteen miles in width, which New Hampshire had never claimed. Of this singular result Gov. Hutchinson says (History, Vol. I, p. 313): "Lord Wilmington, who was then president of the council, assured me, in the year 1741, that this proceeded from a misapprehension of the course of the river. He did not conceive that at Patucket the river inclined to the southward, or that any loss was occasioned to Massachusetts. The New Hampshire agent was better able to manage the controversy than the agent for the Massachusetts."

Gov. Belcher applied to both governments to join in appointing surveyors to run and mark the line. But the delay of Massachusetts was construed a denial; and New Hampshire proceeded *ex parte*, as in that case authorized to do. Mr. Hazzen received his appointment March 17, 1740–1, and with his chainmen was sworn and proceeded at once to the duty assigned. His "survey," which was certainly once in the possession of New Hampshire, has disappeared; but his "Journal" has, more fortunately, been preserved by his descendants in Hampstead, and is kindly loaned for our use by his great-grand daughter, Mrs. Garland.

The "Great Bunt" where Hazzen and Mitchell began their line at Pawtucket Falls, was on the west side of the mouth of Beaver Brook. Here was a noted fishing place. In 1735 Col. Joseph Varnum and his son Joseph grant to the town of Dracut liberty to pass on their land "from the country road at the great fishing falls at Patucket," reserving a place for catching and curing fish, "extending from the place called the lower hole to the old Bunting Place." And forty years later, the rights of "the Great Buntsean Proprietors" were bequeathed by Col. Varnum to his children. Pawtucket, Pantucket, Pentucket, Patucket, seem to have been only variations of the same

name. The Pawtucket Falls are now half a mile west of Beaver Brook, and Hunt's falls are nearly a mile down the river; but before the building of the dam, the rapids in the river for this entire distance were probably included in the designation Pawtucket Falls. If this was the fact, the surveyors had a range of somewhat more than a mile for fixing their starting point, and the benefit of this option, perhaps with the governor's approval, they gave to Massachusetts, as the course of the river is here northwest.

The line was re-surveyed in August, 1825, by Caleb Butler and Benjamin F. Varnum, beginning at a point in Pawtucket Falls called the "Great pot-hole place." The "boundary pine" was then standing, but has since disappeared.

Public Record Office of England.

Colonial Correspondence — Board of Trade Massachusetts

Richard Hazzen's Journal.

20 March to 6 April, 1740/1 — Original

Endorsed — Massachusetts, N. Hampshire Mr R Hazzen's Journall in marking out ye Boundy Lines of ye Massachusets & N. Hampsr Begun March ye 20th 1740–1, to April ye 6th 1741 Recd with Mr Belcher's Lettr dated ye 31st August 1741. Recd Decbr ye 11th 1741 Read Janry 22nd 1741/2

Enclosed by J. Belcher to Board of Trade 31 August 1741.

The Journall of Richard Hazzen and Company from Haverhill to Albany and back again in Running the Northern boundary Line of the Province of the Massachusetts Bay in New England, from a point three Miles due North of Pentucket falls in Merrimack River on a due west Course till it mett with his Majesties other Governments.

The falls described by his Excellency Governour Belcher and the Honble the Councill of New Hampshire, lay against the Town of Dracutt & betwixt Colo Varnums & the Revd Mr Thos Parkers.

Fryday *March* 20th 1740 At Eight a Clock forenoon, we set out from my dwelling house in Haverhill, with Our provisions on small hand sleds, which we hald up Merrimack River on the Ice, with great difficulty and danger of falling through. Most of the falls in the

River being then broke up, and in Other places the ice was thin and Rotten, and the Same Night came to Mr Richard Halls of Tewksbury at about Eight O'Clock and Lodged by his fire side

Saturday March 21 At Break of Day we went from Mr Halls and passed over Concord River on the Ice, without any Apparent danger, notwithstanding the river was Open, a little above us and below, and at Nine a Clock forenoon came Safe to Colo Varnums, where about Ten o Clock, George Mitchell Esqr & Company, who had been taking the bends of Merrimack River from the Atlantick Sea in Order to run similar lines in a proper season for it, also Arived, and the Colonell haveing generously entertained both Companies at his own expence & cost, and determined at what part of the falls to begin to measure a due North line, (the place concluded on being called the *Great Bunt* and directly Opposite to Tyngs Saw Mills) The Said Mitchell set forward on his Course and measured three Miles, which ended, about fourteen Rods Southerly of Colburns Old Meadow, & Near the Easterly end of it, where the Said Mitchell caused a pitch pine Tree to be marked and letterd with (M) on the Southerly Side, and (N H) on the Opposite Side, denoting it to be a boundary between the Province of the Massachusetts Bay, and New Hampshire and Erected a pillar of Stones round the Same Tree: & then we parted, the Said Mitchell Returning home to Portsmouth and I Set forward on my course which was due west, allowing Ten degrees Variation North according to my Instructions from the Governour & Councill and the Same Night I measured from the Sd pine Tree one Mile and sixteen poles to Beaver River $1^{m} : 0^{a} : 16$. *Remarks* This line crossed Conants farm & meado & Nathaniel Clements Lott

The weather was fair & Cold in the forenoon but warm in the afternoon, and the wind was Northwest. We left of measuring at Beaver River, and I went to the Revd Mr Thomas Parkers and there Lodged the rest of the Company, went to some of their Friends

Sunday March 22d I was kindly entaind by the Revd Mr Parker and went to his Church both parts of the day, and at night lodged at Mr William Richardsons it being Near the place I left off measuring Saturday night; This day was fair and warm and the wind Southwesterly which caused the Snow to Melt Verry fast

Monday March 23d This day we began to measure a little after Sunrise and went on Our Course 4: 2. 24.

Remarks At forty poles from Beaver River we crossed the path, which leads from Dracutt Meeting House to that part of the Town called Gumpuss, leaving William Richardsons house Northward of the line about forty poles and Nathaniel Clements, Southerly about sixty

2 At Two hundred and seventy four poles from this path, we crossed, a pond called Long pond the Generall bearings whereof were North and South, & was Seventy four poles Over; on the west side of this pond the Line runs between Dracutt & Nottingham, in Our way to it the line Crossed the afores[d] William Richardsons land and Clements; and from thence the Course ran through the Lands and properties of Severall of the Inhabitants of Nottingham till it came to Merrimack River which was four Miles and four poles, from where we began to Measure at Beaver River this Morning, the line left Jeremiah Colburns house, South about forty poles, and Samuel Golds Southerly about Twenty five or Thirty poles. We Crost Merrimack River against Bancrofts Lott, and ran up thrô to the House of the Late Rev[d] M[r] Nathaniel Prentice of Dunstable the Course being about six poles South of it & Dunstable Meeting House distant on a Course N 6° East One hundred and Twenty Six poles. The Town of Nottingham ended at Merrimack River and there Dunstable begins. Capt Fletcher gave us a good dinner. The Morning was Cloudy & about One o Clock. Afternoon it began to snow, and snowed fast all the Remainder of the day, which hindred Our Moving further, here Caleb Swan & Ebenezer Shaw were Sworn Chainmen before Eleazer Tyng Esq[r] pursuant to his Excellency[s] instructions we Lodged at Dunstable this Night Some of us at the house of Joseph Blanchard Esq[r] who Generously Entertained us, and the rest of the Company at Frenches Tavern

Tuesday March 24[th] It Snowed verry fast all this day which hindred us from proceeding on Our Journey, so we lodged at Dunstable as we did last night.

Wednesday March 25 1741. At Ten a Clock it clear[d] up. And we immediately set forward & measured to Nashua River which was 4 : 3 : 44 and at Night Lodged by James Bloods fire.

Remarks In Our Course this day we Crossed the Southerly End of the Hill, called Phillips Hill — we went through the Land & properties of Sundry of the Inhabitants of Dunstable: we left Robins[s] house about Twenty five poles Southerly of Our Line, and Crossed over the Southerly end of the Hill Called Andrews Hill, A large hill lay Northeasterly of this and joyning to it, called Mount Gilboa M[r] Adams[s] house, being west of Said Mountain, & About half a Mile to the Northward of Our Course we Also Cross[d] a Large Stream called Salmon Brook, at which Brook, Groton Line and Dunstable joyn together, and thence to the south of a Small pond called Lovewells pond, which is Twenty poles short of Nine Miles, from the pond where I first began to Measure and is so Small as scarce worth taking Notice off and from this pond the Line ran through a pitch pine plain

to Nashua River, James Bloods house being South of our Line About One hundred and Twenty poles as I Judged & near the Said River : This afternoon was cloudy and but little wind

Thurdsday March 26. We Set Out Early and with great difficulty pass[d] Nashua River in a Canoe, which Could carry but Two men At One time & leak[t] half full every time she Cross[d] the River, for which ferridge I paid Ten shillings thô the River was not more then Twenty Rods Over and then travel[d] down the River, and began to measure at the Same in the line where we left off last Night, and we Measured six Miles, × 6 : 0 : 00 which measure Ended in Samuel Wheelers Lott in Townsend.

Remarks At One Mile and Two hundred poles from Nashua River we Came with the line in to Enoch Hunts field in the Parish of Nissatissett, a part of Dunstable, his House being North of the line, about Twenty five poles. At about three Quarters of a mile further, we Cross[t] Lawrences feild lying on the Top of an hill from whence we had a fair View of *Watatuck Mountain* which lay Two or three Miles Southward of Our Course, and was distant as we judged near fourteen Miles. At Three Miles and Two hundred poles from Nashua River we Crossed Nissatisset River, and near the End of Our Measure this day by the high way in Townsend Samuel Wheelers house was North of Our Line about Twelve poles and Joshua Wrights House further North, These Two houses are all that were Inhabited in Townsend on the North of Our Line & Ensign Farrons House was South about Ninty Rods, by whose fire we Lodged this Night — The Weather was fair & the wind West or Nearer Northwest and we Saw nothing Else Remarkeable in this days Course.

Fryday March 27[th] we Set Out Where we left of the Line last Night, being help[t] forward by Some of the Inhabitants of Townsend ; and Measured six Miles 6 : 0 : 0 which ended about Thirty poles west of the path leading from Townsend to New Ipswich.

Remarks at the End of Three Miles & Two hundred & Sixty poles we Crossed the Great meadow Brook ; at the End of four Miles and Thirty poles, we Crossed Snows meadow brook ; at the end of five Miles we Crossed, Whitneys meadow brook, all these brooks as I was informed by the inhabitants of Townsend are branches of Sequamcook River that Runs into Nashua River The Snow this days measure was Near three feet Deep we had the Heavens over us & Snow & a few Hemlock boughs under us which was all the Covering except our Blankets we had this Night the Weather was fair & warm and the wind Southerly which made the Snow soft & heavy travelling —

Saturday March 28[th] We Set forward before Sunrise and this day Measured 4 : 2 : 40

Remarks. At the End of One Mile and One hundred poles we Cross[d] Whitneys pond brook at the End of One Mile & One hundred & Eighty poles more, we Cross[t] Sowhegan River, Runing Northerly or Northeasterly, the land was verry Steep and High, on Each Side the River where we Cross[d] it, thô no Remarkeable Mountaines, the Snow in Generall was Three feet deep, & where we lodged near five, the weather was fair & wind Northwest

Sunday March 29[th] We measured this day 4 : 0 : 40

Remarks At the End of one Mile and half from where we left off last Night, we Crossed Blewfield River or Bellow[s] Brook, it being a branch of Millers River and Runs Southerly, crosses the path which leads from Northfield to Lunenburgh by the half way, house as we Supposed ; from thence at the End of One Mile three quarters and Twenty four poles we Cross[t] a Large brook runing Southerly or Southeasterly which came Out of a small pond, that lay about Thirty poles North of Our Lines, We nam[d] it Sunday pond from Our measuring by it that day. We Saw no remarkeable Mountain, only Watatuck which we went Two or three Miles North off, the land in Generall was good Land, and the Trees that grew on it, Beech Maple and White Ash, intermixt with Hemlock & little Underbrush, The Snow for the Most part was Two feet & half deep or more, the weather was fair and warm, and the wind westerly and bad travelling the latter part of the day. In the Night it Clouded up & Sometime before day Snowed, which Oblidged us to Stretch Our Blankits and Lye Under them having no Other covering

Monday March 30[th] The Trees and bushes, being laden with the Snow that fell last night, we did not Set forward, till near Nine of the Clock in the forenoon and then Measured 2..0..60

Remarks At the distance of One hundred and Eighty poles we crossed, *Wonommenock* pond which was forty poles Over at the place where we Cross[d] it and is a Main branch or head of Millers River, Thence Two hundred & Eighty poles to a large brook being Another branch of S[d] Millers Rivers ; We Named it Deer brook from the great Signs of Deer we Saw there The Snow this day was about as deep as Yesterday, but the land more broken, and Rocky, the weather was fair & windy the wind Northwest

Tuesday March 31. We Set forward on Our Journey before Sunrise and the Same day measured five Miles & forty poles 5 : 0 : 40

Remarks At half a Mile from where we began to Measure this Morning, We Came to a large Stream runing Northerly or Northwesterly, which we Supposed to be that Branch of Contoocook river which runs along by *Grand Menadnuck* and thence thro' Hopkinton and joyns the Other branches of that River in the Town of Rumford

& Empties into Merrimack River; At Two Miles further we came to a Meadow, a large Stream Runing Southerly thro' the same and here we found some Stacks of hay, we Supposed the Stream to be a branch of Millers River, & the Hay to be Boyntons, who lives on the Road leading from Northfield to Lunenburgh. At this Meadow we had a fair Prospect of *Grand Menadnuck* bearing North of us and distant as we judged near Eight Miles, from thence One Mile Three Quarters and forty poles we Cross[d] Another Branch of Millers Rivers, the land in Generall was good & good travelling in the forenoon but Soft in the Afternoon The Snow Two feet & an half deep or More the wind Northwest & Weather fair

Wednesday April 1[st] This day we Measured 5..3..34

Remarks In this days travell, we cross[d] Sundry branches of Millers River viz. One at the End of One hundred and fifty poles, from where we began to Measure this Morning A Second One Mile & Two hundred poles from the first, runing thrô a Meadô, from thence Two hundred Eighty poles we Cross[d] a Third & from thence 260 poles a fourth having great falls in it fit for Mills, we Cross[t] all these streams on the ice. The land this day was broken Land, producing cheifly spruce Hemlock fir &[c] the Snow betwixt Two & three feet Deep, the weather fair & Cold & the Wind Northwest.

Thursday April 2[d] This day we measured from Where we left off last Night 7 : 3 : 0 Seven Miles & three quarters

Remarks. At the End of 292 poles from where we began this Morning, we Ascended a large Mountain, *Grand Menadnuck* then bearing Northeasterly of us and distant near Twelve Miles. At four Miles, from where we began Our Measure this Morning we Cross[d] a great Brook runing North Called Muddy Brook ; At 620 poles more, we Crossed another large brook runing the Same way, and called roaring brook, both which are branches of Ashwelott River from thence Two hundred and Twenty poles we Came to the Top of a Verry High Hill : from whence we had a fair View of Northfield, and thence we measured to a Sled path, about Two miles & half Northerly of Northfield Meeting house and left off & travell[d] to Capt Feilds of Northfeild and Lodged by his fire Side ; The Snow was about Two feet Deep till we Came to the Top of the Hill last mentioned, after that the ground was bare in Some places ; The weather was fair and wind Northwest

Fryday April 3[d] This day we Measured Only to Connetticutt River which was 0..3..4.

Remarks At the End of Sixty Eight poles, from where we began this Morning, we Cross[d] a large Brook runing into Connetticutt River, called Putchaug and then a Meadow of that name, and Set up

a Stake on the bank of Said River in the Line, there being no Tree Exactly in Our Course: Two families only of Northfeild, falling Northerly of this Line, there was but little Snow in this days course we returned again to Cap^{t} Feilds and Lodged as before

Saturday April 4th We tarryed at Cap^{t} Feilds and prepared new Recruits for Our further journey and a Canoe to Transport us over Connetticutt River if the ice should be gone, it Snowed, till the Middle of the day, but clear^{d} up before Night, and we lodged at Cap^{t} Feilds as we did last Night

Sunday April 5th 1741. We Tarryed at Cap^{t} Feilds & went to hear the Rev^{d} M^{r} Doolittle preach both parts of the day, The weather was fair Cold, and windy; The wind Northwest.

In the Course from the point where I first Set Out the Line Cross^{t} through part of Dracutt and Nottingham, & leaves but a small part of Dracutt Northerly of it; but, the Greatest part of Nottingham, the Greatest part of Dunstable falls on the Northerly side and but a Small part of Groton, and Townsend; the Greatest part of the Towns of New Ipswich Rowley Cannada & Sylvester, fall Northerly of the line, by the best Information I can gett: the Greatest part of Winchester if not all falls on the Northerly Side, and a third part of the lands of Northfeild, if not more, thô but Two Houses Only: There are many other Towns further North which were beyond my Observation laid out & peopled by the Massachusetts Bay.

Monday April y^{e} 6th 1741. We left Cap^{t} Fields at Northfield a little after Sunrise, and with great difficulty passed Connetticutt River in a Canoe, the wind being high & flawey, and the Ice above coming down verry often. We travail^{d} up to y^{e} place against where we left Our line on the East Side of the River, which was about six poles above the Little meadow brook and the Same day Measured 4: 1: 20

Remarks At Two Miles and an half from Connetticutt River we Ascended the Topp of a verry high hill, a small narrow pond lying on the Northerly Side of it, with Two small islands at the Easterly end of Said pond from this place we had a fair View of *Fort Dummer* bearing from us near North & by west, & distant as I Judged About four Miles, The first Two Miles From Connetticutt River the land was Open and but little Snow, the remainder of this days travell the Snow was about Two feet Deep, on which we Lodged, the Weather was fair & wind Northwest

Tuesday April 7th This Morning we set Out before Sunrise & Measured 5: 3: 28

Remarks At the End of 240 poles We Came to Falls River, an Exceeding high hill lying on the East Side of it, and the Stones upon

the Hill were all Slate Stones & large we therefore named it *Slate Hill* at an hundred Rods further we Came to Another branch of Said River, and at the end of Our Measure this day, we came to Green River, and Lodged on the East Side of it. This day was fair & Cold, the wind Northwest and travelling good The Snow about Two feet deep for the greatest part of the way, The land Mountanous & broken, but good for Pasture and the Timber it produc^{t} Beech Maple Hemlock and some Chastnutt

Wednesday April 8th This day we Measured 5 : 3 : 40

Remarks At the End of One hundred poles from where we began to Measure this Morning we crossed a large brook : Supposed by us to be a branch of North River & One Mile, Three Quarters, and forty poles further, we Came to the said River, on the West Side of which was, an Exceeding high Mountain, and to the End of this days, measure from the afores^{d} River, the land was exceeding good & Covered with Beech Maple Chastnutt &^{c} The Snow was Mostly Three feet Deep, and in Many places more ; The forenoon the Crust was so hard we walk^{t} upon it without Snoeshoes, in the afternoon it was soft, The weather was fair and the wind Northwest and this Night we lodged on the Snow

Thurdsday April 9th This day we measured 5 : 3 : 10

Remarks At the end of Three miles we Came to a large brook, running Southeasterly, and at the End of this days Measure we Came to Another large brook runing Southerly, by which we took Our lodging; here we trac^{t} a large Bear & therefore Nam^{d} it Bear Brook, both these Brooks are branches of Deerfeild River, The land this day was exceeding good; and the produce Beech, Maple, White Ash &^{c} & for three Miles together the Pigeons Nests, which I Supposed were made last Year, were so thick that five hundred Might have been told on the Beech Trees at One time, And Could they have been counted on the Hemlocks as well, I doubt not but five thousand at One turn Round, The Snow was for the Most part Three feet deep, the weather fair & wind Northwest

Fryday April 10th This day we Measured 2 : 1 : 20

Remarks At the end of half a mile from where we Set Out this Morning we Came to Deerfeild River verry high & Steep mountaines being on Each Side of it & so up & down the River as far as we Could See, by Information at least fifty Miles we mett with great difficulty in passing the River, first attempting to Wade & One only got Over with great damage to Our bread by wetting it, Then we Attempted to Raft, but that faild ye water ran so Swift, at length we found a place where we all waded over, thô with the utmost Hazzard ; The Mountain on the west side was so steep, we could not

Carry the Chain to Measure, but in four or five hours time, When we had ascended the Top of it, we judged we had gott forty Rods forward & no More on Our Course at the furthest, The Snow this day was about Three feet Deep, The weather fair & wind Northwest, At Sunsett we built a fire on the Snow, and Lodged by it

Saturday April 11th We began to Measure before Sunrise and Measured this day Seven Miles 7 : 0 : 0

Remarks At the end of four Miles three Quarters and Twenty poles, we Came to a small River Running North; and where we Crosst the river was good intervale Land, on both Sides & a large English Camp a little North of ye Line and on the East of Said River, and at the end of Seven Miles Two large brooks mett; One Came out of the westward; and the Other out of the Northward, and then ran Southeasterly, we thought both these streams ran into Deerfeild River, and that the Camp was made by Capt Welles & Company, the land all this days Course was good & fit for Settlements; The Snow About Three feet Deep; and where we lodged near five: which was where the Two Brooks mett, we left a Bottle there and therefore called it Bottle Brook, it Snowed a little the greatest part of the day and the wind was Northeasterly

Sunday April 12th This day we Measured 4 : 1 : 50

Remarks At the end of three Miles we came to the Top of an Exceeding high Mountain from whence we discovered a large Mountain lying South westerly of Albany as Also a Row of Large Mountaines, on Each Side of us, bearing North and South or North-westerly and Southeasterly Nearest and a Ridge of Exceeding high Mountaines, three or four Miles before us, bearing near the Same Course, and a fine Valley betwixt them & us, on Each Side of the line together with Said Hills bigg Enough for Townships. At One hundred and thirty poles further we Crosst a branch of Hosek River runing Southerly thence to the Main River of Hosek running Northwesterly, with difficulty we waded it & lodged on the West Side of it that Night; the first part of the day was good travelling but heavy by Noon and betwixt the Two Rivers the Snow was Mostly gone; it clouded Over and rained in the Night, which Caused us to Stretch our Blankits and lye Under them on the Bare ground, which was the first Bare ground we lodged on Since we left Northfeild. There was little wind this day

Monday April 13th This day we Measured from Hosek River four Miles and an half 4 : 2 : 0 which was only over one mountain, which Mountain was exceeding good Land, bearing Beech, Black birch, and Hemlock, White Ash &c Over this Mountain We Concluded the line would Run, betwixt, this Government and New York, when deter-

mined and therefore named it *Mount Belcher*, that it Might be as Standing a boundary as Endicutts Tree had been here we Lodged Again On a spott of Bare Ground by a Large Brook running South westerly, which being full of Clay we Named it Clay brook We had some Thunder Showers in the Night, which Oblidged us to rise and Stretch Our blankits The weather was Cloudy all day and no Wind stirring, The Snow for the last Three Miles about Two feet Deep: for the first Mile and half but little

Tuesday April 14th This day we began to Measure at Clay Brook and Measured 5..2..60

Remarks At the End of Two hundred and Twenty poles, we Crosst the aforesd Clay Brook again Running Northerly, at Two hundred & Eighty poles more we Crossed a small River, runing Northeasterly and verry Swift and 540 poles more, we Came to A Large Brook runing Northeasterly all which we Supposed were branches of Hosek River This day we Crost no verry Large Mountaines & there was little Snow for three Miles, and in Many places None, but the Remainder of this days Measure it was near Two feet Deep, and where we Lodged About Two and half: the land was good for Settlements bearing Large White Oaks in Some places, in Others Cherry Tree of Two feet Over, Beech, black birch Rock Maple White Ash &c The weather was fair & wind North westerly & near Night a Meer Hurricane.

Wednesday April 15th This day we Measured 6:0:0 and Lodged at Night in White Oak Land on Bare ground.

Remarks At the End of Two Miles from Where we began to Measure in the Morning we Crossd a large Stream running Southwesterly, at the End of One Mile More we Crossed the Same Stream, at half a Mile further we Crossd this River Again, at One Mile further we Crosst the Same and Eighty poles before we finish't this days Measure we waded through a Swamp all the way almost to Our Middles in Water, in which Swamp the aforesd River lost it Self, The first Three Miles of this days travell the land was mostly Beech and the Snow Two feet Deep the Next Two broken and hemlock Ground, and the Remainder White Oak and the aforesaid Swamp. The weather was fair & warm and the wind west or Northwest

Thursday April 16th we Measured to Hudsons River five Miles

Remarks On a Small Mountain at four Miles and forty poles on Our Course, from where we began to Measure this Morning we had a fair View of the City of Albany bearing from us South westerly & distant about Eight Miles as I Judged, and at the Same time had as fair a View of the falls in Mohawks River called Cohoos or Great falls above Albany, near four Miles from us to Our Great Joy and there-

fore named it *mount Joy* hence we kept Our Course to Hudsons River striking it about Eighty poles below where Mohawks River Comes into Hudsons, We went thence to Albany and tarryed that Night

The Trees in or near the line are well Mark[t] so as to be found without any difficulty, but Could Raise few Other Monuments The Snow in Most places having Covered the Stones.

The Rivers, Streams & ponds are laid down in their proper places wher the line Cross[d] them, but Out of sight by Guess or Imagination The Mountains are laid down as Much in form as I could and many of them pretty Exact but they being of such vast Extent it Cannot be thought they are perfectly done or all put down that Came in Sight.

Fryday April 17[th] At Nine a Clock we left Albany: And the Same Night came to Derrick Slakes at Kenderhook & Lodged by his fire.

Saturday April 18[th] We Set away from M[r] Slakes Early in the Morning and the Same day came to Capt Spurrs at Upper Houseatonnuck and Lodged there by his fire side. Some time before we Arived at Spurrs, it Thunder[d] & lightned verry hard, and hail[d] great Stones like peices of ice and Many of them near as bigg as Hens Eggs.

Sunday April 19[th] We Set Out from Spurrs, and the Same day travail[d] About Eighteen Miles to Brewers in N° (1) & lodged by his fire.

Monday April 20[th] We Set out from Brewers As soon as it was light, & travell[d], thrô New Glascow now Called Blanford and thence to Westfield & that Night we lodged at Kings tavern by his fire Side

Tuesday April 21. We travel[d] from thence to Springfield, which made One hundred Miles from *Albany* and the same Night came to Scotts at Kingston & lodged there by his fire Side

Wednesday April 22[d] We travell[d] this day from Scotts thrô Brookfeild and thence to Leicester & lodged at Sergeants Tavern by his fire

Thurdsday April 23[d] We travelled thence thrô Worcester, part of Brimfeild & Shrewsbury, thence thrô Lancaster, and the Same Night came to Haskals tavern in Harvard and Lodged there by his fire.

Fryday April 24[th] It Rained hard most of the day Yet we travelled thrô Groton to Dunstable and Lodged there that Night

Saturday April 25[th] I purchast a Canoe at Dunstable & came down Merrimack River to Dracutt we Carryed Our Canoe over Pentucket falls, but mett with no Other difficulty, in going down the River, and Arived at my own House in Haverhill about Eight o Clock at Night, all in perfect health thrô the goodness of Almighty God to us, & for which his Name be praised

Richard Hazzen

The Company were

Richard Hazzen Survey^{r}	Caleb Swan	Benj^{a} Smith
Zechariah Heldreth	Ebenezer Shaw	William Richardson
	Richard Hazzen Jun^{r}	

N. B. The Weather prov^{d} so fair that we Never stopt a day in the Woods for any foul Weather, Never built a Camp one Night & Stretch^{t} Our blankits but Three times, but Lodged on the Snow without any Covering except Our Blankits, Notwithstanding we travell^{d} more then four Hundred Miles, & were Absent Thirty Seven days

An Accompt of the distance from the Pine tree where I began to Measure, to Connetticutt River, & Miles, Quarters & poles of Every days travell Viz

Saturday March 21, 1740.			1 : 0 : 16
Monday	4 : 1 : 24	Wednesday	4 : 3 : 44
Thurdsday	6 : 2 : 40	Fryday	6 : 0 : 00
Saturday	4 : 2 : 40	Sunday	4 : 0 : 40
Monday	2 : 0 : 60	Tuesday	5 : 0 : 40
Wednesday	5 : 3 : 34	Thurdsday	7 : 3 : 00
		Fryday	0 : 3 : 40
		Miles	53 : 2 : 58
		To Connetticutt River	

An Accompt of the Miles from Connetticutt River to Hudsons & Every days Measure

April 6th 1741		Monday	4 : 1 : 20
Tuesday	5 : 3 : 28	Wednesday	5 : 1 : 40
Thurdsday	5 : 3 : 10	Fryday	2 : 1 : 20
Saturday	7 : 0 : 00	Sunday	4 : 1 : 50
Monday	4 : 2 : 00	Tuesday	5 : 2 : 60
Wednesday	6 : 0 : 00	Thurdsday	5 : 0 : 00
		Miles	56 : 0 : 68

Which makes the whole measure One hundred and Nine Miles, Three Quarters and Thirty Eight poles as taken

℔ R Hazzen Survey^{r}

Pro : of N Hamp^{r} } June 25th. 1742

M^{r} Richard Hazzen made oath, That this journal made by him, is true and exact according to the best of his skil and observations

Sworn Before Rich^{d} Waldron J^{t} Peace

[*Description of Line Surveyed by Richard Hazzen*, 1741.]

[Mass. Archives, Vol. 5, p. 140.]

A Description of the dividing line between the Provinces of Massachusetts Bay and New Hampshire from Mitchels Boundary pine so called as the same was run and marked by Richard Hazen in March A D 1741 – and traced and run out, by Caleb Butler and Benj[a] F Varnum Esqs Surveyors in the Month of August A D 1825 and reported to us by the said Surveyors from their field book – to Wit –

Beginning at a point called Mitchels boundary Pine two miles three hundred and thirteen rods due North of a point in Pantucket falls called the great pot hole place

North 78¾ West 758 Rods — Thence seven hundred and fifty eight rods to a heap of Stone on the Westerly shore of Long Pond, the reputed corner of Dracutt and Tyngsborough

North 82¾ West 281½ Rods – Thence two hundred and eighty one rods and an half to a heap of Stones, being a Corner of Pelham and Nottingham West, N. H.

North 80 West 690 Rods – Thence six hundred and Ninety rods a pine tree on the West bank of Merrimack River a Corner of Dunstable N. H. —

North 80¼ West 426½ Rods — Thence Four hundred and twenty six and an half rods to an heap of Stones being a Corner of Tyngsboro' & Dunstable Mass[ts]

North 79½ West 1360 Rods — Thence thirteen hundred and sixty rods to a point at Nashua River being a Corner of Dunstable & Pepperill Mass & Dunstable & Hollis N. H.

North 80⅔ West 1395 Rods — Thence Thirteen hundred and Ninety five rods to a pine tree marked for a corner of Hollis & of Brookline N. H.

North 81⅓ West 335 Rods — Thence three hundred and thirty five rods to a Stake and Stones being a corner for Pepperell & Townsend Mass.

North 80½ West 788 Rods — Thence seven hundred and eighty eight rods to a Stake and Stones being a Corner for Brookline & Mason N. H.

North 80¼ West 1154 Rods — Thence eleven hundred and fifty four rods to a Birch tree marked, being a Corner for Townsend & Ashby Mass.

North 80 West 513 Rods — Thence five hundred and thirteen rods to a Stake and Stones being a Corner for Mason & New Ipswich N. H.

North 80½ West 1458 Rods — Thence fourteen hundred and fifty eight rods to a birch tree marked, being a Corner for Ashby & Ashburnham & also a Corner for the Counties of Middlesex and Worcester

North 79¾ West 493 Rods — Thence four hundred and Ninety three rods to a Stake and Stones a Corner for New Ipswich & Rindge N H

North 80¾ West 840 Rods — Thence eight hundred and forty rods to a Stake and Stones, a Corner for Ashburnham & Winchendon Mass[ts]

North 80¼ West 1515 Rods Thence Fifteen hundred & fifteen rods to a Stake in Rabbit swamp a Corner for Rindge & Fitz William N H

North 80½ West — 490 Rods Thence four hundred and Ninety rods to a Stone marked & set in the ground a Corner for Winchendon & Royalston N. H. [Mass.]

North 80½ West 1428 Rods Thence fourteen hundred and twenty eight rods to a Stake and Stones a Corner for Fitz William & Richmond N. H.

North 80¼ West 1273 Rods. Thence twelve hundred and seventy three rods to a stake and stones a Corner for Royalston & Warwick Mass.

North 80¼ West 679 Rods — Thence six hundred and seventy nine rods to a stake and Stones a Corner for Richmond & Winchester N. H.

North 80¾ West 1332 Rods — Thence thirteen hundred & thirty two rods to an heap of Stones a Corner for Warwick & Northfield Mass.

North 80¼ West 624½ rods — Then six hundred and twenty four and one half rods to a stone set in the ground a Corner for Winchester & Hinsdale N H

80 rods — Thence eighty rods to a stone on the Eastern bank of Connecticut River

42 Rods 17955½ Rods equal to 56 Miles & 35½ Rods — Thence across said River to a point on the Western bank thereof, fifty six miles and thirty five and an half rods from the aforesaid boundary pine, The Reputed South Easterly [Westerly] Corner of the State of New Hampshire and the South Westerly [Easterly] Corner of the State of Vermont, which point is on a Course from the boundary pine aforesaid at three miles distance North of Pentucket falls, North eighty degrees and twenty minutes West according to the present traverse of the Magnetic Needle and the intermediate Courses, between each of the above mentioned reputed Corners of towns respect-

ively vary but little from the same general Course, which will more particularly appear by a plan thereof. —

Dated at Boston the thirty first day of January in the year of our Lord One thousand Eight hundred and twenty seven. — On behalf of, and by direction of the Commissioners —

Samuel Dana first named in the Com°

[*Appointment of Walter Bryent as Surveyor of Boundary Line*, 1740/1.]

[Mass. Archives, Vol. 5, p. 129, and N. H. Mss. Prov. Boundaries, p. 167.]

[L. s.] By his Excellency Jonathan Belcher Esq^r^ Captain General & Governor in & over his Majesty's Province of the Massachusetts Bay in New England

Having lately received his Majesty's royal Instruction requiring me to take especial Care that his Majesty's Judgment in Council relating to the boundary Lines between the Province of the Massachusetts Bay & this Province be executed in the most effectual Manner & in order to accomplishing the end in the said Instruction proposed

You being well knowing in the Art of surveying & now under Oath duly & faithfully & according to the best of your Skill & Judgment to run & mark out such part of the said Lines as shall be assigned you

I do hereby authorize & appoint you as a Surveyor to proceed immediately & pass up through the Mouth of Piscataqua Harbour & up the middle of the River into the River of Newichwanick (part of which is now called Salmon falls) and thro the middle of the same to the farthest Head thereof, & from thence North two Degrees Westerly until One hundred & twenty Miles be finished from the Mouth of Piscataqua Harbour aforesaid until it meets with his Majesty's other Governments and take especial care in this your Survey that you well & fully spot the Trees Standing in the said Line & take particular Notice of all Hills Mountains Rivers Ponds Lakes & what else may be remarkable that shall lie in or near your Way & remark the same in the Plan of your Survey, which you are to make return of upon Oath all which you are to do with all possible prudent Dispatch for which this shall be your Warrant

Given under my hand & Seal at Arms at Portsmouth March 12 1740/1 J B

To M^r^ Walter Bryant

Memorandum The true North two Degrees West is by the Needle North eight degrees East which is your Course

Copy examined by Geo : King Dep^t^ Sec^y^

Copy examined by Geo : King Cl

Bryent did not Conform to this order neither was the Survey Confirmed as appears by M^r^ Jacksons Letter to Government of Massachusetts

I Query Whether it has been Confirm'd Since if Not the last Survey by the N W branch or Main river Gives the true line the Not Confirmd

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[*Walter Bryent and Assistants Sworn*, 1741.]

[Mass. Archives, Vol. 5, p.131.]

Province of New Hampshire } At a Council held at Portsmouth Thursday March 12^th^ 1740/1

PRESENT

His Excellency Jon^a^ Belcher Esq^r^ Governor

Shadrach Walton, George Jaffrey, Joth^m^ Odiorne, Henry Sherburne } Esq^rs^

Rich^d^ Waldron, Josh^a^ Peirce, Jos : Sherburne, Ellis Huske } Esq^rs^

Theod^re^ Atkinson Esq^rs^

His Excellency proposed the employing M^r^ Walter Bryent as a Surveyor with 8 Assistants to run out & mark the Boundary between this Province and the County of York pursuant to his Majesty's Instructions and that the said Bryent should have 24/ ℔ Day & Five Pounds when he made his Report and his Assistants 13/ ℔ Day each to which the Council did advise & consent & the Surveyor and Chairmen were then sworn & sent forward immediately

Copy from the Council Minutes examin'd by Geo : King Dep^t^ Sec^y^

Copy examined by Geo : King Cl

[*Walter Bryent's Agreement*, 1740/1.]

[Mss. Prov. Boundaries, p. 49.]

These presents Witness, that I Walter Brian have agreed with his Excellency Governor Belcher, to perform the part of a Surveyor, in runing the dividing line, between New Hampshire and the late Province of Main, agreable to His Majestys Instruction in that behalf; — And that I will set out upon the busyness without delay; That I will keep an exact journal of my proceedings, making observations therein, of all remarkable mountains, hills, Rivers, lakes and ponds, and report a Copy of my Journal to His Excellency as soon as possible, together with a draft of the said line: All this I do hereby promise and Engage to do, in consideration of twenty three shillings ℔ day for my self, & of thirteen Shillings ℔ day for each of the other men, employ'd in the Service, (being eight in number,) exclusive of my self, and in further consideration also of five pounds, I am to receive upon finishing the work, & presenting His Excellency with a Copy of my Journal and a draft as aforesaid; at which Time the whole money is to be received, except twenty seven pounds this day paid in hand March 12, 1740/1 Walter Bryent

Test Rich^d^ Waldron

[*Bryent's Journal*, 1741.]

[Mass. Archives, Vol. 5, pp. 143–147, and N. H. Mss. Prov. Boundaries, pp. 185–188.]

Walter Bryants Journal in running the Boundary between New Hampshire & that Part of the Massachusetts Bay called County of York 1741 —

Mar: 19 Fryday I set out from Newmarket with eight men to assist me in running & marking out one of the Province Boundaries lodg'd at Cochecho

14 Saturday Sent our Baggage on logging Sleds to Rochester from Cochecho under the Care of three Men the other five continuing with me at Cochecho it being foul Weather

15 Sunday Attended public Worship at Cochecho and in the Evening went to Rochester and lodgd there —

16 Monday Travelled through the upper Part of Rochester & lodg'd in a logging Camp —

17 Tuesday Went on Salmonfal River & travelled up said River on the Ice above the second Pond and camp'd

18 Wednesday Went to the third Pond & about two of the Clock in the Afternoon it rained & snow'd very hard & obliged us to camp extreme stormy that Night and two Men Sick —

19 Thursday Went to the Head Nechawannick River and there set my Course being North two Degrees West but by the Needle North eight Degrees East and run a half Mile on a Neck of Land with three Men then return'd to the other five and camp'd —

Mar 20 Fryday Cross'd the head Pond which was a Mile over and at two hundred Rods distance from said head Pond was another which lay so in my Course that I cross'd it three Times & has communication with Mousum River as I suppose from the last mention'd Pond for six Mile together I found the Land to be pretty even the growth generally white & pitch Pine (N B at the end of every Mile I marked a Tree where the Place wou'd admit of it with the Number of Miles from the Head of Nechawannick River) went over a Mountain from the Summit of which I plainly see the white Hills and Ossipee Pond which Pond bore about North West & was about four Mile distant — There also lay on the North side of said Mountain at a Mile distance a Pond in the form of a Circle of the Diameter of three Miles the East End of which I cross'd I also cross'd the River which comes from the East and runs into said Pond & camp'd had good travelling to day & went between Seven & eight Miles

21 Saturday In travelling five Miles (the Land pretty level) from the Place where I camp'd last Night I came to a River which runs out from the lastmention'd Pond & there track'd an Indian & three Dogs kill'd two Deer & camp'd

22 Sunday Remain'd in my Camp and about nine o Clock at Night the Camp was hail'd by two Indians (who were within fifteen Rods of it in so broken English that they called three Times before I cou'd understand what they said which was "what you do there" up which I spake to them and immediately upon my speaking they asked what news I told them it was Peace they answerd "may be no" but however upon my telling them they shou'd not be hurt & bidding them to come to the Camp they came & behaved very orderly and gave me an Account of Ossipee Pond & River as also of a Place called Pigwacket they told me the way to know when I was at Pigwacket was by observing a certain River which had three large Hills on the Southwest Side of it which Narrative of said Indians respecting Ossipee &c I found to correspond pretty well with my Observations. They also inform'd me of their Names which were Sentur & Pease Sentur is an old Man was in Cap^{t} Lovewell's Fight at

which Time he was much wounded & lost one of his Eyes the other is a Young Man — They informd me their living was at Ossipee Pond they had no Guns but Hatchets and Spears our Snow Shoes being something broken they readily imparted wherewith to mend them — They woud have purchased a Gun of me but cou'd not spare one — They were inquisitive to know what brought Englishmen so far in the Woods in Peace whereupon I informed them & upon the whole they said they thought it was War finding Englishmen so far in the Woods & further that there were sundry Companies of Indians a hunting & they believed that none of said Companies woud let me proceed if they shou'd meet with me

23 Monday Parted with Indians & went to Ossipee River which is fifteen Miles from the Head of Salmon falls which Number of Miles I mark'd on a pretty large Tree that lay convenient (and in my return I found on said Tree a Sword handsomely formed grasped by a Hand) one Mile from Ossipee River came to a Mountain from the Top of which I saw the white Hills travelled over five large Mountains — camp'd

24 Tuesday Found the Snow very soft to Day so that we sunk half leg deep in Snow Shoes saw where two Indians had camp'd on Hemloc Boughs camp'd snow'd all Night

25 Wednesday Continued snowing all Day & Night the general Depth of the Snow with what fell last Night & to Day was four Foot & an half & five Foot deep —

26 Thursday The Weather fair and clear and in my Travel to Day saw the white Hills which were West & by North from me & about seven Miles distant as near as I cou'd guess I also see Pigwacket Plain or Interval Land as also Pigwacket River which runs from the North West to the Southeast & cuts the aforesaid Intervale in two Triangles it lying North and South about eight Miles in length and Four in Breadth — About two or three Miles beyond Pigwacket I saw a large Body of water three or four Miles long & half a Mile Broad but whether River or Pond I do not know

27 Fryday Finding the traveling difficult by the softness of the Snow and the Rivers & Brooks breaking up together with some backwardness in my Men to venture any further I concluded to return which I did accordingly & on Wednesday the first of April we got safe to Newmarket and all in good Health

Walter Bryent

Province of New Hampshire } ss May 22d 1741 Mr Walter Bryent made Oath that this is a true & exact Journal of his Survey of part of one of the divisional Boundaries between his Majesty's Provinces of New Hamp-

shire & the Massachusetts Bay made by him according to the best of his Skill & Observations

Sworn before — Rich[d] Waldron J Peace
Copy examin'd by — Geo : King Dep[t] Sec[y]
Copy examin'd by — Geo : King Cl

[*Petition of Thomas Hutchinson.*]

[Copied from the Archives of England.]

To the Kings most Excellent Majesty in Council

The Petition of Thomas Hutchinson of Boston in Your Majestys Province of the Massachusetts Bay in New England Esquire

Most humbly Sheweth

That the General Court of the said Province several Years since for many great and weighty Reasons but more particularly to strengthen and secure their frontier and to defend many scattering Towns that lay dispersed near the Borders of their Province made several Orders and Grants for the settlement of thirteen Townships commonly known by the name of the Line of Towns in Your Majestys said Province of the Massachusetts Bay and which Townships were Ordered to be laid out in two Contigious Lines reaching from Merrimack to Connecticut River and which Townships have Settlements already begun and will (if the same Encouragement and Protection, they have hitherto received be Continued to them) be soon Compleated.

That the said Townships were Erected on Lands always understood to belong to the said Province of the Massachusetts Bay the Northermost of these two Lines of Towns being laid out diverse Miles Southward of a due West Line from the Northermost part of Merrimack River and which Land was always understood to be adjudged to the said Province by the Determination of His Majesty King Charles the Second in Council in the Year 1677 and no Settlement has been at any time Attempted there by the Province of New Hampshire —

That the Proprietors and Settlers of these Townships upon a firm belief that they were within and part of the Province of the Massachusetts Bay and Entitled to the Protection of that Province have at great Expence Labour and Hazard Settled and improved the said Townships but to their inexpressible Concern and Surprize they find

that by the late Determination of Your Majesty in Council for running the dividing Line between the said Province of the Massachusetts Bay and New Hampshire (should the said Line be run in the manner in which the same stands now directed) all the said Line of Frontier Towns will be wholly Cut off from the said Province of the Massachusetts Bay to which they always apprehended themselves to belong And the Government of which has been always ready to protect and defend them and the said Towns which are Yet unable to defend themselves be exposed to be ravaged and the Inhabitants Massacred by the Barbarous Salvages on the first Rupture with them — New Hampshire (if it was near to 'em) being unable to assist them But if it was able is too remote both the two great Rivers of Connecticutt and Merrimack lying between some and Merrimack between all those Townships and New Hampshire so that New Hampshire can be of no Support or Service to them nor they to New Hampshire So that the Present Proprietors and Settlers of these Towns after their great Expence Labour and Hazard must be forced for their own Preservation and Defence to desert them and all further proceedings towards the compleating the Settlements and finishing of these Frontier Towns be prevented —

That the Proprietors and Settlers of most of the said Townships have severally drawn up their most humble Petitions to Your Majesty Setting forth the matters aforesaid And as all their Parents Brethren Relations and Friends live in the Province of the Massachusetts Bay They most humbly pray Your Majesty to take their distressed Case into Your most gracious Consideration and that You will out of Your Royal Grace and favour be pleased to unite them to Your said Province of the Massachusetts from whence they Sprung and by whose Assistance and Support they will in a short time be of Considerable Service in defending the Borders of Your Majestys said Dominions agreeable to the Original intention of their first Settlement Which Petitions the said Townships have severally Impowered Your Petitioner to lay before Your Majesty And Your Pet^{r} hath for that Purpose annexed the same to this his present Petition and doth hereby on behalf of the severall Proprietors and Settlers of the said Townships most humbly lay the same before Your Majesty for Your Royal Consideration

That Your Pet^{r} further begs leave in all humble manner to represent to Your Majesty that the several Townships of Gorcham Tyngs Town Lovells Town The Town adjoining to Contookcook The Township of Rowley Canada of Winchester of Lower Asheuelotts and Upper Asheuelot were all likewise Erected and Settled many Years since under Orders and Grants from Your Majestys said Province of

the Massachusetts Bay made to the present Settlers and their Ancestors in Consideration of Services performed in Voluntary Expeditions against the Indians and in other Respects and the better to increase and extend Your Majestys Dominions and the Erecting and Settling of which Townships have been begun Carried on and Compleated with great Expence and Labour by the Settlers and Proprietors thereof who in like manner with the Settlers of the said Line of Frontier Towns and for the same Reasons had not the least Doubt or Apprehension but the Lands they were so improving were within and part of Your Majestys said Province of the Massachusetts Bay upon whose Assistance they entirely relyed and which they have always hitherto had for their Protection and Defence But to their inexpressible Concern should the said dividing Line be run in the manner in which it is now directed all the said Townships would be totally Excluded from the said Province of the Massachusetts Bay and the Settlers and Proprietors thereof be utterly at a Loss where to apply for Succour and Relief in Case of a Rupture with the Neighbouring Salvages of which they are in daily hazard and who will in all Probability fall upon them in Case of a Rupture with France the Instant they shall be apprized thereof in which Case they will be in the utmost danger of being all cutt off or at least to their utter ruin driven from their Settlements New Hampshire being unable to give them the necessary Succour and Relief – The Inhabitants and Proprietors of the said last named Townships have therefore severally drawn up most humble Petitions to Your Majesty stating this their deplorable Condition to Your Majesty and most humbly imploring Your Majesty out of Your Royal Grace and favour to Unite them to Your said Province of the Massachusetts Bay by whose Assistance they may be protected in their present Possessions and Your Majestys Dominions be Increased and Enlarged – Which Petitions the said Townships have likewise severally Impowered Your Petr to lay before Your Majesty and Your Petr hath for that Purpose annexed the same to this his present Petition and doth hereby on their behalf most humbly lay the same before Your Majesty for Your Royal Consideration

That Your Petr further most humbly represents to Your Majesty that the several Townships of Salisbury and Almsbury, Haverhill, Dunstable Nottingham and Litchfield, Groten and Townshend have been for a great number of Years past Erected and Settled some so long since as the Year 1639 under Orders and Grants derived from the Government of the Massachusetts Bay and from such their first Settlement to this time have always been part of and belonged to the Province of the Massachusetts Bay who have at great Expence protected and defended several of the said Townships particularly Salis-

bury Haverhill and Dunstable which are Frontier Towns against the Enemy for a long Course of Years and out of which Town of Salisbury the Town of Almsbury was taken in the Year 1668 and out of the said Town of Dunstable the said Townshipps of Nottingham and Litchfield have been since taken — And the Inhabitants and Proprietors of all these Towns for the Reasons already humbly offered to Your Majesty on behalf of the other Townshipps always had the most firm Dependance on their being within and part of Your Majestys said Province of the Massachusetts Bay by whom they have been hitherto protected and defended But by the said dividing Line should the same be run in the manner it now stands directed one third part of the said Ancient Town of Almsbury and a Considerable part of the more Ancient Town of Salisbury which was Settled so long since as in 1639 And also the greatest part of the said Ancient Town of Dunstable which was Settled in 1679 and also of the said Town of Nottingham and the whole of Litchfield Town and also great part of the Town of Haverhill which has been Settled so long since as 1641 And also great part of the said Town of Groton and one half of the said Town of Townshend (to the great Grief of the Inhabitants and the danger of their Lives and Fortunes) will be entirely Cutt of from that People from whom they Issued and upon whom they have always depended for their Protection and Defence and which has been always given them in the most ready and Effectual manner whenever it has been wanted and be thereby left destitute of all help and exposed to the Merciless Ravages of the adjoining Salvages whenever they shall think fitting to Attack them New Hampshire having Confessed their Inability to Protect them so long since as the Year 1667 For thô by His then Majesty King Charles the 2^{ds} Determination in Council part of the said three Townships of Salisbury Haverhill and Dunstable fell to the Province of New Hampshire They instead of Asserting gave up their Claim thereto to the Colony of the Massachusetts Bay by whom they were then and have been ever since protected from their Indian Enemies who would otherwise have destroyed them or at least drove them from their Settlement And the said Towns being thus intersected and divided their Parishes also and their Religious Societies will be Split — Their Churches or Houses for Religious worship with one part of a Parish be left in one Province and the Settlement and Estate of the Minister with the other part of the Parish be in another Province to the utter Subversion and Ruin of the said Parishes and Religious Societys unless Your Majesty in Your Royal Clemency and favour shall grant them the proper and necessary Relief for which purpose the Proprietors and Inhabitants of these last named Townships have sev-

erally prepared most humble Petitions to Your Majesty laying this most Calamitous State of their Case before Your Majesty most humbly intreating Your Majesty out of Your Royal Grace and Indulgence to Unite the whole of the said several Towns to the said Province of the Massachusetts Bay that so they may for the future Continue and remain one with them as they have hitherto been some of them for One hundred Years past Which Petitions the said Townships have severally impowered Your Pet^{r} to lay before Your Majesty and Your Pet^{r} hath for that Purpose annexed the same to this his present Petition and doth hereby on their behalf most humbly lay the same before Your Majesty for Your Royal Consideration

And Your Petitioner most humbly prays Your Majesty that You will be graciously pleased to take the said several Petitions together with this Petition into Your favourable and Indulgent Consideration And that Your Majesty will be graciously pleased out of Your Royal Grace and favour to Unite all the said Townships to the said Province of the Massachusetts Bay and that Your Majesty will be graciously pleased to give the proper and necessary Directions for that purpose And that the said Inhabitants and Proprietors of the said several Townships may have all such further and other Relief in the Premisses as the nature and Circumstances of each Particular Township may require

And Your Pet^{r} as in strictest Duty bound shall ever Pray &^{a}

Tho^{s} Hutchinson

[*Haverhill Petition to King*, 1740.]

[Copied from Archives of England.]

To the Kings most Excellent Majesty

The humble Petition of the Town of Haverhill in Your Majestys Province of the Massachusetts Bay in New England

May it Please Your Majesty

The Ancient Town of Haverhill was situate on the North Side of Merrimack River extending fourteen Miles upon the said River and runs Northward into the Country in form of a Tryangle near 12 Miles and was incorporated into a Township Anno 1641.

At that time the Governor and Company of the Colony of the Massachusetts Bay depended upon their Charter from King Charles the 1st of the 4th of March 1628 which gave them all the Land between

Charles River and Merrimack all the Land within three Miles on the South part of any and every part of Charles River and within three Miles to the Northward of any and every part of Merrimack River and all the Lands within those Limits North and South in Latitude and Breadth and in Length and Longitude of and within all the Breadth aforesaid throughout the Mainland there from the Atlantick Ocean to the South Sea and understood that those Words gave them all that Tract of Land which extends from three Miles South of the Southermost part of Charles River to three Miles North of the Northermost part of Merrimack River in Latitude and from the Atlantick Ocean to the South Sea in Longitude and therefore innocently made the several Grants and Settled the Town of Haverhill accordingly.

When His Majesty King Charles the 2^{d} in Council gave his definitive Sentence upon their Northern Boundary that it should follow the Course of the River so far as that went thereby a very considerable part of that Town was cutt off and fell to the Province of New Hampshire but the said Province left this Town to their Friends in the Colony of the Massachusetts Bay whence they issued by them only to be protectod from the Indian Enemies and the Inhabitants of this Haverhill a Frontier Town with the loss of many of their lives and great labour and travel assisted with Men and Money from the Massachusetts defended and Maintained that Place against the Enemy for a long Course of Years the Inhabitants of New Hampshire at that time not Claiming or Coveting any part of it

Afterward in the Year 1724 the General Court of the Province of the Massachusetts Bay for the Conveniency of the Inhabitants divided this Town and set off a part thereof by the Name of Methuen —

And now may it Please Your Majesty by the late Settlement of their Northern Boundary a very great part of Haverhill is again cutt off from that People from whom they issued and by whom they have been always Protected to the very great grief of their Minds and danger of their Lives and Fortunes.

And the said Town being thus divided Our Parishes also and Religious Societys are Split Our Churches or Houses for Religious Worship with one part of the Parish are left in the Massachusetts Province and the Settlement and Estate of one of Our Ministers and part of Our Parishes are excluded from said Province to the utter Subversion and Ruin of the said Parishes and Religious Societys unless Your Majesty in Your Royal Clemency shall grant us Relief

Wherefore they most humbly beseech Your Majesty of Your Royal Gentleness and Goodness to indulge Your most humble and Dutyfull Subjects the Inhabitants of Haverhill and Unite their Town to the Province of the Massachusetts Bay that they may remain one with them with Your Majestys favour and Countenance

And Your Majestys most Loyal and Dutyfull Subjects shall ever Pray &ª

Nathaniel Peaslee in the Name
and by Order of the Inhabitants
of Haverhill

Be it known to all Men that I Nathaniel Peaslee of Haverhill in New England Agent for said Town to prefer a Petition to his Majesty respecting the dividing of said Town by the determination of the Province Line do by these presents constitute and appoint my Trusty Friend Thomas Hutchinson of Boston Merchant to be my Attorney giving to him all that Power which I have received from the said Town of Haverhill and hereby fully enabling him to appear and Act for and in behalf of said Town respecting the determination of said Line and presenting a Petition to His Majesty as fully to all intents and purposes whatsoever as I myself might or could Do by Virtue of the Power aforesaid in Witness whereof I have hereunto set my hand and Seal Boston in New England 23ᵈ of October 1740

Signed Seald and delivered in Presence of
John Paterson
William Ogg

Nathaniel Peaslee [L. S.]

Suffolk ss. Boston October 23ᵈ 1740

Nathaniel Peaslee above named personally appearing acknowledged the aforewritten Instrument to be his Act and Deed before me

John Quincy Jus. Pacˢ

At a Legal Town Meeting in Haverhill on September 29th 1740

By Vote Mʳ Nathaniel Peaslee the Present Representative is Chosen to Act in the whole Affair on behalf of the Town of Haverhill in preferring a Petition to His Majesty upon the Account of the Difficulties the said Town lyes under on the Account of the Province Line

A true Copy taken out of Haverhill Town Book
Examined as Attest

John Eatton Town Clerk for Haverhill

Essex ss. Haverhill October 22ᵈ 1740

Mʳ John Eatton Town Clerk of Haverhill in the County aforesaid took the Oath appointed by Law for the Office of a Town Clerk on the 10th Day of March last Before

Joshua Bayley Jus Pacˢ

[*Order of Committee of Council on Hutchinson's Petition*, 1741.].

[Copied from Archives of England.]

At the Council Chamber Whitehall the 9th of April 1741
By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

His Majesty having been pleased by His Order in Council of the 19th of February last to referr unto this Committee the humble Petition of Thomas Hutchinson of Boston in His Majestys Province of the Massachusets Bay Esqr humbly praying, that His Majesty will be graciously pleased to Direct, that the several Townships commonly known by the name of the Line Townships, which, by the Line Directed to be run by His Majesty's Order in Council of the 9th of April 1740, will be cutt off from the said Province of the Massachusets Bay, may be United to that Province — The Lords of the Committee this day took the said Petition, together with several others thereto annexed, from the said Townships into Consideration, and are hereby pleased to referr the same to the Lords Commissioners for Trade and Plantations, to examine into the said Petitions, and Report their Opinion thereupon to this Committee. —

Temple Stanyan

[*Bill of Expenses against N. H.*, 1741.]

[Mss. Prov. Boundaries, p. 163.]

	The Province of New Hampshire in London	Dr
1738		
March	To fees & Sundry Charges Postage &c paid the Last year	14:10 —
1739		
July	To Sundry fees at Plantation Office . .	6:10. 1
Augt	To fees at the Council & Plantation office .	9:19: 6
Septr	To do . . do	1:18 —
March	To do for Sundry Charges at sd Office & Postage	17:18 —
1740		
Jany	To Mr Dickenson at the Council office . .	1. 1 —

March	To Sev[l] Small Charges & Postage of Letters for y[s] year	4. 3. 10
1741		
May	To Several Small fees p[d] at the Offices &c this year	5:18. 15
	To the Amo[t] of M[r] Paris bill now Sent me .	964. 3. 0
		1026: 2: 8

[*John Thomlinson's Account*, 1741.]

[Mss. Prov. Boundaries, p. 195.]

Dr		Province of New Hampshire —	
1733			
Octo	25	To M[r] Popple at the Board of Trade . .	£3,, 4,, 6
Nov[r]	6	To Cash paid M[r] Paris	26,, 5,,—
Jan.	1	To Cash paid at the Plantation Office . .	2,, 2,,—
Feb.	5	To Cash paid M[r] Paris	30,,—,,—
Mar.	6	To Cash paid at the Plantation office . .	6,, 4,,—
1735			
Mar	30	To Cash paid M[r] Paris	31,,10,,—
Sept	23	To Cash d°	30, —,,—
Octo.	9	To d° d°	100,,—,,—
Feb.		To Sundry small Charges at the Offices &c .	6,, 2,, 6
1736			
May		To Cash paid at the Plantation Office . .	2,, 2,,—
Octo		To Cash paid M[r] Paris	52,,10,,—
Feb		To d° d°	100,,—,,—
1737			
Mar		To the Officers at the Board of Trade & other Charg[s]	2,,10,, 6
May		To the Ballance of M[r] Paris's bill sent Me .	231,, 6,, 9
1738			
Mar		To Fees & sundry Charges post[a] &c p[d] the last Year	14,,10,,—
1739			
July		To Sundry Fees at Plantation Office . .	6,,10,, 1
Aug[t]		To Fees at the Council & Plantation Offices	9,,19,, 6
Sept		To d° d° . .	1,,18,,—

Mar	To d° for Sundry Charges at s^d^ Offices & postage	17,,18,,—
1740		
Jan^u^	To M^r^ Dickenson at the Council Office .	1,, 1,,—
Mar	To several small Charges & post^a^ of Lett^rs^ for y^s^ Year	4,, 3,,10
1741		
May	To several small Fees p^d^ at the Offices &c this year	5,,18,,10
	To the Amount of M^r^ Paris's Bill now sent Me	964,, 3,, 5
		£1649,,19,,11

CONTRA Cr

By John Rindge's Acco^t^ for y^e^ whole Am° . . 1649,,19,,11

London Sept^r^ 16^th^ 1741 —
Errors Excepted ℔ John Thomlinson

London Sept^r^ 18^th^ 1741

I have Examin'd the Particulars of the Above Account In M^r^ Thomlinsons Books and M^r^ Paris's Bills & find it to be Exactly right.
B Wentworth

[*Gov. Belcher to Board of Trade*, 1741.]

[Copied from Archives of England.]

May It Please Your Lordships

Since I had the honour of writing you last, I have been to New Hampshire, & met an Assembly there, and Communicated to them, Such New Instructions, as I had receiv'd from their Excellencies, the Lords Justices, One respecting the future Emissions, of Paper Currency, in that Province, the other for Carrying into Execution the Kings Judgment, for Setling the Boundaries, betwixt this Province, and New Hampshire, and I now send your Lordships the Proceedings, of that Session of Assembly, by which you will find, little material done for his Majestys Service, or for that of the Province — the Affairs of the Boundaries, being of great Consequence, to both Provinces, Your Lordships will see, I urg'd upon the Assembly, the

making Sufficient Provision, for that Service; instead whereof they would vote onely £500: which will not much more, than half compleat the Work; However I sent out Surveyors with proper Attendants, on the several Lines, and am daily expecting their Returns, and so soon as I receive them, they shall be transmitted to Your Lordships —

As the Assembly would do nothing towards the Payment, of the Publick Debts, or for the Support, of the Government, I judg'd it for His Majestys Honour, and Service, to Dissolve them, hoping, the next may better act up to their Duty —

I am, with great Respect my Lords

Your Lordships Most Obedient and Most Humble Servant

J Belcher

Boston May 6th 1741

Lord Commissrs of Trade

[*Gov. Belcher to Board of Trade*, 1741.]

[Copied from Archives of England.]

May It Please Your Lordships

I wrote you yesterday, to which I humbly ask your reference, & that you would give me leave, to lay before you, a difficulty arisen upon the Construction, of His Majestys Judgment, respecting the Boundaries, betwixt this Province, & that of New Hampshire – vizt on the following words, "*That the Northern Boundaries of the said* "*Province of the Massachusetts Bay* are & be a Similar Curve Line "pursuing the Course of Merrimack River at three Miles distance, "on the North side thereof beginning at the Atlantick Ocean, and "ending at a Point Due North, of a Place, in the Plan, return'd by "the said Commissioners, Call'd Pantucket Falls, *and a Strait Line* "*drawn from thence, due West, cross the said River till it meets with* "*His Majestys Other Governments* – Your Lordships will please to observe that it is call'd the *Northern Boundaries of the Massachusetts*, but not the *Southern of New Hampshire*, nor the *Divisional Line* between the two Provinces – from this, the People of both Provinces, say, the Lands from the Northern Boundary of Massachusetts, till they meet the Southern Boundary of New Hampshire, & so further Westward, are not under any Jurisdiction or Government, nor can the Lands, already ungranted, between those Lines, be Granted for

the Incouragement, of New Settlers – if the matter therefore remains thus, it may soon produce Disorders, & Confusions, among the Kings Subjects, now setl'd upon some parts of those Lands, who look upon themselves, in a State of Anarchy – as His Majestys Order, which was the foundation for the Commission of making the late Settlement of the Boundaries, declar'd, the matter was not to affect Property, but Jurisdiction onely. I should be glad to know, His Majesty's Pleasure, as to the Jurisdiction of all those Lands, and as to the Grant, of Such of them, as have not already been Granted either by the Government, of the Massachusetts Bay, or that of New Hampshire, I mean whether they are to be annext to either Province, or still to remain by themselves, for His Majestys further pleasure, this difficulty, My Lords, seems to spring with the more force, from the very different wording, of the Judgment, from that of the other Boundary where it is said "And as to the Northern Boundary – *between the said* "*Provinces,* the Court resolve and determine, that *the Dividing Line* "shall pass &c[a], and again, that the Dividing Line shall part the Isles "of Shoals &ca *and that the S° Westerly part of said Islands, shall* "*lye and be accounted part of the Province of New Hampshire, and* "*that the N° Easterly part thereof shall lye in, and be accounted part* "*of the Province of the Massachusetts Bay &*[ca]

I humbly pray of Your Lordships, that I may be set right, in this matter, by His Majestys Royal Explanation to which I shall dutifully conform myself, so far as it may concern me

I have the honour to be with much Respect My Lords
Your Lordships, Most Obedient Most Humble Servant
Boston May 7[th] 1741. J Belcher
Lords Commiss[rs] of Trade

[*Account of Ferd. John Paris,* 1741.]

[Mss. Prov. Boundaries, p. 193.]

John Thomlinson Esq[r], of London Merchant, for John Rindge Esq[r], Agent for the Publick of the Province of Newhampshire, on the Affairs relating to the Bounds between New Hampshire & the Mass[a] Bay, is, to Ferdinando John Paris — D[r]

1737 April 27.	To my Bills delivered to him, to this Day —	631.	16. 9
1741, May 31.	To my Subsequent Bills, to this Day —	964.	3. 5½
		£1596.	0. 2½

Per Contra Cr

By Cash received on Account Vizt

1732	April	20.	Of Mr Rindge —	30.	5. 0
1734	Novr	6.	Of Captain Thomlinson —	26.	5. 0
	Febry	5.	Of Do —	30.	0. 0
1735	May	31.	Of Do —	31.	10. 0
	Sept	22.	Of Do —	30.	0. 0
	Octr	9.	Of Do —	100.	0. 0
1736.	Octr	22.	Of Do —	52.	10. 0
	Feb'ry	17.	Of Do —	100.	0. 0
1738	Octr	27.	Of Do —	42.	0. 0
1739.	Novr	6.	Of Do —	105.	0. 0
	Feb :	7.	Of Do —	105.	0. 0
				652.	10. 0
1741.	May	31.	Ballance due to Ferd. John Paris —	943.	10. 2½
				£1596.	0. 2½

London 31 May 1741
Errors Excepted

Ferd John Paris

[*Gov. Belcher to Richard Hazzen*, 1741.]

[Mss. Prov. Boundaries, p. 191.]

Sir/ I duly receiv'd Yours of 27 : Ulti, & this day yours, of 23d instant, by hand of Your Son, with the Platt & Journal,— I see, You had an exceeding fatigue, but you have gone thro, & done it, to the Service of this Province, (whose Northern Boundary the King calls it) & to your own honour — a Warrant for £250 : lyes ready for you, with Mr Sec'ry Waldron, which you may receive as soon as your Journal & Plan are sworn to — In the mean time, send this Letter to Mr Sec'ry Waldron, that he may know, I desire him, to pay you, one hundred & fifty Pounds, in parts, & send your Receit, to him for that Sum ; — I shall be glad, to see you, in town, as soon as your health will allow, and am, Sir

Your Assured Friend

Boston May 25, 1741. J Belcher

I fancy, the Malefactors will soon be Sick
Mr Hazzen

Draft of Proclamation by Gov. Belcher, 1741.]

[Mass. Archives, Vol. 64, p. 91.]

Prov. of the Mass. Bay
By His Excellency the Governr

Whereas I have, in pursuance of His Majestys Special Order to me for running and marking out the Boundary Line between this Province & the Province of New Hampshire on the North Side of Merrimack River appointed George Mitchell Esqr to be the Surveyor for effecting that Work;

I do hereby require all Persons whatsoever through whose Properties the said Line may be found to run to permit the said George Mitchel to pass over their said Lands with the Persons by him employed & the Instruments of Survey & not to give him the least Molestation in this or the sd Business but on the contrary all necessary Aid & Assistance

Given under my hand at Boston the first day of June 1741. In the fourteenth year of his Majesty's Reign

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[*Thomas Hutchinson to Secretary Willard*, 1741.]

[Mass. Archives, Vol. 25, pp. 1–6.]

Mr Secretary

Sr As the Business I am upon is of some concern to the Publick, as well as to the persons by whom I am immediately employd I think it my duty to inform the Honble Court of the progress & present state of it.

Upon my arrival here I made application to several Lords of the Council & acquainted them with the Contents of my petitions, and I met with nothing that forbad or discouragd my preferring them. I therefore took the first opportunity to do it & they were referr'd to a Committee of Council; but by reason of Lord Presidents being unable to attend Committees I was kept three or four months waiting in expectation of their being consider'd. At length they were referr'd to the Board of Trade, which being the constant practice it was not possible to prevent; but the Lords Commissioners being in the Country at their Elections there was no Board for near six Weeks. Before this time expird his Majesty was pleas'd to appoint a new

Governor for the Prov. of N. Hampshire, and although I made private application (a publick one being judg'd inconvenient) & pray'd that the Commission might be suspended till these petitions were determind, yet it was immediately resolv'd that the words of it should run agreeable to the Order of Council for settling the Massachusetts boundary, & L^d President condescended to give me this reason for it, That there was an absolute necessity the Petitionors should immediately be included in one Governm^t or the other, and if they were comprehended in the N Hampshire Commission, should it appear convenient, they might at any time hereafter be taken off, but should they be granted to the Massachusetts no alteration could be made as they were a Charter Government

I attended the Board of Trade several times & met with ev'ry thing that was discouraging, & tho' the Case was represented as a matter of Favour to the Petitioners *only*, yet the New Hampshire Agent endeavour'd by ev'ry possible Artifice to possess the Board that it was not these particular Inhabitants but the Massachusets Province which would receive the advantage if these petitions should be granted Their L^dships insisted on my producing more exact proofs how the Towns would be affected by the line determin'd, than it was possible for me to do until it should be exactly run & a plan could be produc'd, and therefore I desir'd the consideration of the petitions might be deferr'd & offer'd to risque the Success of the whole upon the failure of any one material Fact which was alledg'd ; but yet in a very few days their Lordships were pleas'd to report, That they not only had not receiv'd a satisfactory proof of the Allegations but that in case they had receiv'd it yet it did not appear how the Petitioners security could in any wise be affected by their being annexd to New Hampshire and therefore they could not advise his Majesty to grant the prayer of the petitions. The New Hampshire Agent upon this mov'd to the Lords Committee to take the report into consideration but I pray'd for time to produce such proofs as the Board of Trade had judg'd necessary & in this I was indulg'd &, it being calld an affair of importance, the consideration of it was deferr'd till the vacation be over & I was directed in the mean time to prepare the necessary proofs. I immediately wrote over to the persons concern'd to be providing the proper Evidences which I think there is room to hope may be sufficient to induce their Lordships to report in favour of the petitions of those Towns which are intersected by the running of the Line but for the new Townships which are wholly excluded I have not the least expectation of any Success. I have taken ev'ry step that I could do in order to procure an Instruction to the Governor of New Hampshire for quieting all persons in their pos-

sessions who had rec^{d} Grants from the Massachusets, unless I had publickly petitiond for it which I thought would not be prudent, but as his Instructions are not yet gone from the Board of Trade I cannot tell how far I succeeded.

I expect it will be another year before this Affair can be finish'd and as the Expence of my attendance here must be more than equal to any further Service I can do since all who are concern'd are as fully possess'd of it as they can be from me I think it will be most approv'd of that I should return home which I purpose to do by the first opportunity & shall leave the Affair to the care of M^{r} Eliakim Palmer who has been acquainted with all the steps I have taken in it & has a better Interest here than any other person I could leave it with

I am with the greatest respect & deference to the Hon^{ble} Court
Their most Humble & Obedient Servant
London 31 July 1741 Tho^{s} Hutchinson

[*Report of Massachusetts Committee on Petition of John Varnum.*]

[Mass. Archives, Vol. 6, p. 24.]

The Comitte appointed on the Petition of John Vernum of Dracutt Have taken y^{e} Same under Consideration, and apprehend That for Ending the Difficultys mentiond in s^{d} Petition and all Difficultys of y^{t} sort In Any other Towns within y^{e} Province Bordering on the Province of New Hampshire a Comittee be appointed by the Gen Court to Goe into the s^{d} Several Towns & Enquire what Number of Poles & Ratable Estates is taken off from this Province by the Line Lately Run betwixt s^{d} Province, & Make Report thereof to this Court as soon as may be, & That in the mean time the Constables of Dracott & Notingham mentiond in s^{d} Petition be Releassed from Charleston Goal

All w^{ch} is Humbly Submitted by Jn^{o} Cushing ℔ order

[*Rough Draft of Massachusetts Proclamation to Quiet Disturbances on Boundary Line.*]

[Mass. Archives, Vol. 5, p. 121.]

Whereas this Governm^{t} is inform'd that His Majesty has been pleased with the Advice of his most Hon^{ble} privy Council so far to

determine the Controversy between this Province & the Province of New Hampshire as to order & state the Northern Boundary of this Province ; But for as much as His Majestys Order in Council is not yet arrived nor certainly known so that no Proceedings can be had thereon ; And it being of great Importance that Peace & good Order may be preserved among the Borderers on the said Line ;

I have therefore thought fit with the Advice of His Majestys Council to issue this Proclamation Hereby Forbidding all His Majestys Subjects within this Province that border on the said Boundary Line & all others concerned from giving any Disturbance to His Majestys Subjects of the said Province of New Hampshire, & of Disputes in the quiet Possession of the Lands they have hitherto held & Requiring them to behave peaceably & to use their utmost Endeavours to prevent all manner of Disputes & Contentions relating to the said Affair, That so things may remain in the same state as hitherto till His Majestys Pleasure be known & his Commands be put in Execution in the regular Man[ner] he shall direct

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[*Vote of N. H. House,* 1741/2.]

[Mss. Prov. Boundaries, p. 177.]

In the House of Representatives

Voted/ That all those Charges & Expences Relating to the dispute about the affaire of the Lines ; and of M[r] Agent Thomlinson in Great Brittaine be now bro[t] in to be Audited

Jan[r] 21 : 1741 — J Jeffry Cle[r] Ass[m]

[*George Mitchell's Account,* 1741/2.]

[Mss. Prov. Boundaries, p. 181.]

1741 Province of New Hampshire D[r]

To Geo: Mitchell Survey[r] appointed to Run Bounds between s[d] Prov: &c, being 11 Days on that Service @ 45/ ℔ diem . £24,,15,,—

To Service of 4 Men employed on same Work 12 days @ 14 ℔ diem . . .	£33,,12,,—	
Paid Benj[a] Smyth as an Assistant . .	1,,16,,—	
Paid 2 Men to Ferry us over the Creeks .	15 —	
	60,,18,,	

1741		Cont[r]	Cr
March	16th	Cash received by G. Belchers Warrant .	£12,, ——
	30th	Ditto	12,, 4,,—
May	18th	Ditto	35,,19
			60,, 3 —
		Ball[e] . .	— 15,,—
			60,,18,,—

The Above is Copy of an Acco[t] Dld to Gov[r] Belcher & Sworn to before Hen[y] Sherburn Esq[r]
E E at Portsmouth 6th Feb[y] 1741

℔ Geo: Mitchell

In the House of Represen[t]
Past & allow[d] 15/ Ball[a] N° 2 James Jeffry Cl[r] as[m]

[*George Mitchell's Account*, 1741/2.]

[Mss. Prov. Boundaries, p. 178.]

1741		His Majestys Province of New Hampshire —	Dr
June	29th	To George Mitchell surveyor, Appointed to run Bounds between said Province, & The Mass[a] Bay, being employed 18 days on that Service, @ 45/ ℔ diem for himself & Horse, as ℔ Agreement with Gov[r] Belcher	£40,,10,,—
		To 40 days, said Mitchell was closely employed on the same Service at his House @ 5/	10,,—,,—

	Horse Hire to Bost[n] & Expences on his Journey on the Aforesaid service . .	£ 5,,—,,—
	To a Plan dv[d] to His Excell[y] G. Wentworth &c. with a Box Contain[g] the Same .	10,,—,,—
	To a Copy of said Plan to be entered in the Secret[y] Office	10,,—,,—
	To a Voyage the said Mitchell made to Annapolis on Acco[t] of the Province, Omitted in a former Acco[t]	10,,—,,—
	To 4 Men employed in Runing the Line 19 days @ 14/ ℔ diem Sworn before The Gov[r] & Council	53,, 4,,—
Sworn before Ja[s] Bayley Esq[r]	Benj[a] Smyth employed 19 days @ D° .	13,, 6,,—
	Caleb Swan employed 17 days @ D° .	11,,18,,—
	Ebenz[r] Shaw 11 days @ D° . . .	7,,14,,—
		£171,,12,,—

1741	Cont[r]	C[r]
May	By Cash received by Warrent from Gov[r] Belcher towards carrying on the Work, w[ch] was all the Money left in the Treasury for Runing the Line . . .	£50,,11,,—
	Ball[c]	121,, 1,,—
		171,,12,,—

Portsmouth New Hampshire 1[st] ffebru[y] 1741/2
E. E. ℔ Geo: Mitchell

ffe[r] the 12[th] 1741 In the House of Representatives

the within accompt and also Sd Mitchells accompt N° 2 be allowed and the Ballance of both accompts being £121,,16,, be paid —

James Jeffry Cle[r] Ass[m]

In Coun[l] Feb: 18: 1741.2

Read and Concurr'd R Waldron Sec[ry]

Feb: 18: 1741.2 Assented to B Wentworth

[*Cyprian Jeffry's Account*, 1741/2.]

[Mss. Prov. Boundaries, p. 182.]

Dr Province of New Hampshire to Cyprian Jeffry —

1737			
July	To going to Anopolus for the Commissioners to settle the Bowndaris of the Province		£5,, —
Augst 10	To my attendance att hampton & Salsbury on the Commissrs with my Chain & Compass 3 days @ 20/ ℔ Day. — . .		3,, —
	To horse hire to Ditto 20/ —		1,, —
23	To the Draught of Newichawanick river from ye head of Dover line to where Lovel Killd ye ten Indians By order of the Commissioners —		10,, —
	To my attendance att Hampton with it 4 Days @ 12/ ℔		2,, 8,, —
	To horse hire to Ditto 12/ —		12,, —
	To 4 Days Measureing & Draughting Newichawanick river from ye head of Dover line to Quompheagon ℔ ordr of ye Commissrs		4,, —
	To 2 Chain men 3 Days @ 8/ ℔ Day Each . . .	£2,, 8,, —	
	To 1 man one Day to Clear ye bushes @ 8/ . . .	,, — ,, 8,, —	
	To 1 qut rum 3/ bisquit 1/ to Carry in the woods . .	,, — ,, 4,, —	
	To 3 mens Dinner att Lords —	,, — ,, 7,, 6	
	To 3 mens Lodging 2/ Supers 4/6 —	,, — ,, 6,, 6	
	To 4 mens Brakfast 8/ — .	,, — ,, 8,, —	
	To 4 mens Suppers 8 & Drink 3/ —	,, — ,,11,, —	
	To 3 men Lodging 2/ — .	,, — ,, 2,, —	
	To 3 mens Victuals & Drink 9/ —	,, — ,, 9,, —	
	To Conew hire 3 days 3/ — .	,, — ,, 3,, —	
			5,, 7,, —
30	To my attendance att hampton with my Draught & going to Salsbuary with my Chain & Compas with the Comissioners 5 days @ 20/ —		5,, — ,, —
	To horse Hire to Ditto 20/ —. . . .		1,, — ,, —
			£37,, 7,, —

Cr
1737
Augst 5 By Cash received of John Rindge Esqr as ℔
my receipt 60/— . . . . . £3,,—
Balla Due to Cyprian Jeffry — . . . . 34,, 7,,—

£37 7

Portsmouth New Hampshire Septemr ye 15th 1737
Errors Excepted ℔ Cyprian Jeffry

allowed to be pd £23,,3,,—
ffer 12th 1741 In the House of Representatives
allowed of the within accompt to be paid the sum of £23,,3,,—
James Jeffry Cler Assm

In Coun : Feb : 18, 1741.
Read and Concurr'd R Waldron Secry
Feb : 18 : 1741 Assented to B Wentworth

[*Committee to Settle with Massachusetts*, 1741/2.]

[Mss. Province Boundaries, p. 189.]

In the House of Representatives Mar 24th 1741

Voted/ That Messrs Thomas Packer and Mr Jotham Odiorn be a Committee of this House to Joyne Such as the Honble the Council Shall appoint to make up & Settle the accompts with the Province of the Massachusets Bay for the Charge of the Commission & the Commissrs and other Charges on the Settlement of the Boundary Lines, according to his Majties Judgmt & final Determination in Council, And to receive all Such Sum & Sums of Money as are due, & upon receipts Legal acquittances & discharges to give in behalfe of the Government of New hampshire, & what Money they receive Shall be put into the Treasury, and there to lye until it be Ordered out by the General Assembly And his Excelly is hereby desiered to Write to and Recommend the affaire thereof to his Excelly Governr Sherly Earnestly to Expedite the Same

James Jeffry Cler Assm

In Council March 24th 1741
the above Vote Read & Concurr'd & Voted that George Jaffrey & Theodr Atkinson Esqr be a Comittee from the Board to Joyne the

Comittee of the House in the affair afores[d] any three to be a Quorum Theodore Atkinson Sec[ry]

Eod[m] Die In the House of Representatives the Vote of Council Read & Concurrd

James Jeffry Cle[r] Ass[m]

March 27[th] 1742 Assented to B Wentworth

[*Report of Committee on New Territory Acquired from Massachusetts*, 1742.]

[Mss. Corr. Vol. 1, p. 161.]

Province } Acco[tt] the Travels of the Committee Appointed by the
New hamp[r] } Act of the Goverm[t] for Veiwing the New Districts ffalling into this province Lying to the Northward & Eastward of the Boundary Lines Between this prov[s] and the Mass[a] Bay, & for qualifieing y[e] Officers in the Same

Ap[r] 19[th] Wee of the Committee Opened the Meeting att a place called Loggin plain att the Meetinghouse there Between Sailsburry and Amsburry — being by Information about 28 miles Distant from Court

Voted m[r] Ezekiel Morral Moderator Ruben Dymond Clerk

Sam[ll] Smith, Jn[o] fflanders, W[m] Rowel, Jon[a] Curriour, Abraham Brown } Select-men } Cutting ffever, Ezekiel Morral } Collectors

Ap[r] 20[th] Wee proceeded to Haverhill & Opened the Meeting att the Meeting house there, Distance by way of Kingstown by Information 18 Miles —

Voted Col[o] Saltinson [Saltonstall] Moderator Caleb Page Cl[r]

Nich[o] White, Jn[o] Watts, Daniel Little, Christopher Bartlett, Tho[s] Follingsbee } Selectmen } Geo Little, Tho[s] Hale } Collectors

Ap[r] 21[st] Wee proceeded to Methuen and Opened y[e] meeting att the Meetinghouse there Distance from Haverhill 8 Miles —

Voted m^r Henry Sanders Moderator, John Ober, Clerk —

Dan^l Peassley, Isaac Clough, Hen : Sanders } Select-men } Nath^l Woodburry, Eben^r Ayers — } Collectors

Ap^r 22^d Wee proceeded to Notingham [Nottingham West, now Hudson] Opened the Meeting at the Meetinghouse there Distance from Methuen 12 Miles by Information

Voted : Cap^t Henry Baldwin Moderator : Hen : Baldwin Clerk —

Cap^t Hen : Baldwin, Zechus : Lovell, Jn^o Snow — } Select men } Tho^s Gage Collector

Ap^r 23^d ffrom Notingham wee proceed to Merrimack River and fferried over to Dunstable Distance from Notingham 5 Miles Opened the Metting there

Voted Jos Blanchard Esq^r Moderator : Abraham Taylor Clerk

Abra : Taylor, Tho^s Harwood, Sam^ll Cumings, Jon^a Lovell, Jos : Blanchard Esq^r } Select men } Enoch Hunt, Hen : Parker } Collectors

Ap^r 24^th Wee proceed to Leachfeild Opened the Meeting att the Meetinghouse there, Distance from Dunstable 10 Miles

Voted m^r Jacob : Hildreth Moderator, Jacob Hildreth Clerk

Sam^ll Cochran, John Usher, Jacob Hildreth } Select men } Alex^r Caldwell Collector

Ap^r 27: Wee proceeded to Penny Cook alias Rumford and Opened the Meeting there. Distance from Leachfeild by way of London Derry 42 by Information But Direct by Amiskeek 34 —

Voted Cap^t Eben^r Eastman Moderator: Benj^a Rolf Esq^r Clerk

Capt Eben^r Eastman, Benj^a Rolf Esq^r, Jeremiah Stickney } Select men } Geo Abbott; Collector

ffrom penny. Cook. alias Rumford wee proceeded to the upper End of Contocook to Take a Veiw of Said Town, Distance from Rumford 10 Miles – by Information Where is Settled 25 ffamilies. and from thence wee proceeded to Canterbury & through the Same Twelve Miles./

Persuant to the Act of Goverm^t aforsaid wee the Subscribers being the Committee Appointed to call the aforesaid Several Meetings,

Did Sware the Several aforesaid Officers to the ffeaithfull Discharge of their Several Officeses and Was upon Said Service out and home thirteen Days att 30/ ℔ Day for the three Committee Men Each . . . . . } £58–10– 0

The Charge of Sending a man to put up the Several Notifications in the New Districts and the proclamations for the ffast to Each of the aforesaid Districts £7– 0– 0

To the Several Notifications and Coppys . . } £65:10: 0
To the Piloting from Town to Town the Committee have Discharged . . . . . }

Eben[r] Stevens
Richard Jannes
Geo Walton

In the House of Representatives June 26–1742.

voted/ the above Return'd be rec[d] and the accompt allowed and what is unpaid to be paid out of the Publick Treasury — this to be in full James Jeffry Cle[r] Ass[m]

In Council Eodem Die Read & Concurrd
Theodore Atkinson Sec[ry]

Eodem Die Assented to B Wentworth
Warr[t] the 16 August 1742 D[d] M[r] Stevens —

[*Governor's Order about Payment of Ministers' Salaries*, 1742/3.]

[Mss. Corr., Vol. 1, p. 155.]

Province of New Hampshire Portsmouth Jan[y] 31 1742

It haveing been Represented to His Excellency that many of the Inhabitants Resideing on the Kings Lands, Since His Majesty has been pleased to determine the boundarys between this Province & the Massachusetts Bay, have Refused to pay their taxes towards the Support of their Ministers, Alledging that there is no Law of the Province to Oblige them thereto ; I am therefore by His Excellencys Command to inform the Respective Inhabitants, that it will be very agreable to The Governor, that you & Each of you, who have been delinquent on that Occasion, do forthwith comply with your Obligations in regard to the payment of your Ministers, as a Contrary behaviour will Incur his Excellencys displeasure

By His Excellencys Command

To the Several Inhabitants on the Kings lands in New Hampshire Coppys Dilivered to Mes[rs] Ashley & Bacon ministers at Winchester & Ashuelot on Connecticut

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[*Action on Petitions of Thomas Hutchinson and Town of Dracut*, 1746.]

[Mss. Prov. Boundaries, pp. 196–199.]

[Seal.] At the Court at Kensington
the 28[th] day of May 1746
Present
The Kings most Excellent Majesty

Arch Bishop of Canterbury	Earl of Harrington
Lord President	Viscount Torrington
Lord Privy Seal	Lord Cornwallis
Lord Steward	Lord Bathurst
Lord Chamberlain	Lord Hobart
Duke of Bolton	Lord Monson
Duke of Argyll	Lord Sandys
Duke of Newcastle	M[r] Vice Chamberlain
Earl of Chesterfield	Sir William Yonge
Earl of Cholmondeley	Sir John Norris
Earl of Stair	William Pitt Esq[r]

Upon reading, at the Board, a Report, from the Right Honourable the Lords of the Committee of Council for Plantation Affairs, dated the 26[th] of last Month, in the words following, — Viz[t]

"Your Majesty having been pleased, by Your Order in Council, of "the 19[th] of February 1740, to referr, unto this Committee, the Pe- "tition of Thomas Hutchinson, of Boston, in Your Majestys Prov- "ince of the Massachusets Bay in New England, Esq[r], together with "Sundry other Petitions thereunto annexed, from the Proprietors "and Setlers of several Towns, and Townships, which, by Your Maj- "estys late Determination in Council, for running the Dividing Lines "between the said Province of the Massachusets Bay and Your "Majestys Province of New Hampshire, the Petitioners alledged "were, either intersected, or quite cut off, from the Province of the "Massachusets Bay, from which Province (as alledged by the said "Petitions) the Petitioners originally Sprung, and had depended for "Protection and Defence; And praying Your Majesty to Unite all

"the said Townships to the said Province of the Massachusets Bay,
"and to give the proper and necessary Directions for that purpose,
"Their Lordships thought proper, on the 9th of April 1741, to referr
"the said Petitions to the consideration of the Lords Commissioners
"for Trade and Plantations, which Lords Commissioners, on the 12th
"of June 1741, reported, that they had heard the said Hutchinson, in
"behalf of himself and the other Petitioners, in Support of the said
"Petitions, and further reported that those Petitions related to Three
"different sets of Townships, granted and Settled at different times,
"and some of them since Application had been made to Your Maj-
"esty for Settling the Boundarys between the Provinces, That Mr
"Hutchinson did not give the said Lords Commissioners any Satis-
"factory Proofs, in Support of the Allegations of the said Petitions,
"nor Shew, by any Authentick Plan, in what manner the Line, di-
"rected to be run by Your Majestys Order in Council, would inter-
"sect any of the said Townships, nor, if it did, how it would affect
"the Petitioners Security, or be any way Detrimental to them, That
"the said Lords Commissioners were informed Your Majestys said
"Order in Council, and Instructions thereupon to Your Governor,
"had not, even then, been complied with, and, in all probability, had
"not been received in the said Provinces when several of those Peti-
"tions were Signed, That, for those Reasons, the said Lords Com-
"missioners were of Opinion that the said Application was improper,
"and forasmuch as the Allegations, contained in the said Petitions,
"had not been made out, before them, they could not advise Your
"Majesty to comply with the Prayers thereof, — And Your Majesty
"having been pleased, by Your Order in Council, of the 9th of May
"1744, to referr. unto this Committee, another Petition, of the In-
"habitants and Proprietors of the Town of Dracutt, Setting forth,
"That, by Your Majestys said former Determination, for Settling
"the Boundarys, great part of that Town, also, would be excluded
"from the Province of the Massachusets Bay, and praying that as
"much of their Town, as by the aforesaid Line was taken from the
"Province of the Massachusets Bay, might be reannexed thereto,
"— The Lords of the Committee, on the 3d of December last, and
"again, on this day, proceeded to take the matter of the said several
"Petitions, and of the said Lords Commissioners Report, into their
"Consideration, and heard, as well the several Petitioners, as the
"Agent of Your Majestys Province of New Hampshire, by their
"Counsel, upon the same, And Do, upon the whole, humbly agree to
"Report, as their Opinion, to Your Majesty, that, for the reasons
"contained in the aforementioned Report of the Lords Commission-
"ers for Trade and Plantations, it is not adviseable for Your Majesty

"to comply with the Prayers of the said Petitions, but that the same "should be Dismissed, —

His Majesty, this day, took the said Report into Consideration, and was pleased, with the Advice of His Privy Council, to Approve thereof, and accordingly, to Order that the said Petition, of Thomas Hutchinson, together with the Sundry Petitions thereto annexed, and also the Petition of the Inhabitants and Proprietors of the Town of Dracut, Be, and they are hereby, Dismist this Board —

W Sharpe

[*Report of Attorney and Solicitor Generals*, 1752.]

[Mss. Prov. Boundaries, pp. 200–206.]

New. Hampshire.

State of the Case with respect to certain Townships and Tracts of Land granted by the Governments of the Massachusets Bay and Connecticut in New England, which Townships and Tracts of Land, are now Part of the Province of New Hampshire by the Determination of the Boundary Line between that Province and the Province of the Massachusets Bay in the Year, 1738.

Disputes having for a long time subsisted between the Provinces of the Massachusets Bay and New Hampshire with respect to their Boundaries; in 1733, a Petition was presented on Behalf of the Province of New Hampshire, praying that Commissioners might be appointed to ascertain the Boundaries.

Upon Hearings of both Parties before the Attorney and Solicitor General, the Board of Trade and the Council, His Majesty was pleased by his Order in Council the 9th Feb'ry 1736, to direct that a Commission should be prepared and pass Under the great, Seal, authorizing Commissioners to mark out the dividing Line between the Provinces of the Massachusets Bay and New Hampshire, giving Liberty to either Party therein who thought them Selves aggrieved to appeal therefrom to His Majesty in Council. In Pursuance of His Majesty's said Commission Commissioners met and reported their Determination specially, upon which both Provinces appealed to His Majesty in Council, and afterwards their Lordships reported to His Majesty, as their Oppinion *that the Northern Boundaries of the Massachusets Bay are and be a similar curve Line pursuing the Course of Merimac River at three Miles Distance, from the North Side thereof, beginning at the Atlantic Ocean and ending at a Point due North, of*

a Place in the Plan returned by the said Commissioners called Pantuket Falls, and a Streight Line drawn from thence due West, crossing the said River till it meets with His Majesty's other Goverments, and that the rest of the Commissioners said Report, or Determination be affirmed by His Majesty ; In 1738, His Majesty was pleased with the advice of his Privy Council to approve of their Lordships Report, and to confirm it accordingly, in Consequence whereof the Line has been mark'd out.

In the Years, 1735. and 1736, while the Appeals from both the Massachusets Bay and New Hampshire were depending before His Majesty the General Assembly of the Massachusets Bay granted above thirty Townships between the Rivers Merimac and Connecticut, which Townships upon the running of the Boundary Line in 1738 fell within the Province of New Hampshire. The Conditions of these Grants were that the Grantees should settle the said Townships within 3 years after the date of their respective Grants, but this Condition has been performed by very few, if by any of the Grantees no Obligation to pay Quit Rents or a Reservation of Pine Trees fit for the Service and Supply of His Majesty's Navy, are inserted in any of these Grants, altho' no Grant ought in good Policy to be made of any Lands in any Part, of North America without both these Provisions which have been thought of so much Importanance and so absolutely necessary for the publick Service that M^r^ Wentworth His Majestys Governor of New Hampshire was particularly instructed in the Year, 1741, never to pass any Grant of Lands, without enjoining express Conditions of Cultivation the Reservation of Quit Rents, and the Preservation of such Pines, as are of Size for the Use of His Majesty's Navy.

There are also, about 60,000 Acres of Land situated on the West Side of Connecticut-River which were purchased by private Persons, from the Government of Conecticut, to whom that Land had been laid out, by the Government, of the Massachusets, Bay, as an Equivalent for two or three Townships which the Massachusets Bay, purchased from Connecticut Government ; This Tract of Land by the Determination of the Boundary Line in 1738, is become a Part of New Hampshire, but the Proprietors of it are subject to no Conditions of Improvement and the Land lies Waste and uncultivated.

Question.

Whether the Crown can resume the Lands granted by the Province of the Massachusets Bay, under Condition of Cultivation, those Lands being now become a Part of New Hampshire by the running of the Boundary Line in 1738, in Cases where the Proprietors have

not performed the Condition of their Grants, and if the Crown can what is the most advisable and regular Method of making such Resumtion? Whether, in the Case of the Lands granted away by the Province of the Massachusets Bay to particular Persons without any Condition of Cultivation, the Crown can now, inforce the Proprietors of such Lands to cultivate them or oblige them to take these Lands under new Grants upon the said Lands being made a Part of the Province of New Hampshire by the Determination of Boundary Line in 1738?

We are clearly of Opinion the Crown may resume the Lands granted on condition of Settling within three Years, where there has in fact been no Settlement

With regard to Lands granted by the Massachusets Bay, without any such express condition where there has been no Settlement as they appear now to have been no part of that Province, their grants are in themselves void, as against the Crown; and there appears no ground to Support them, but on the foot of the direction which we find to have been given in an order of Council of the 22^{d} of January 1735, when the Commission for, marking the Dividing Line between the two Provinces was first directed, Viz, That due care should be taken that private property might not be affected by it, We do not find that this direction was continued either in the order of the 9th of February, 1736, on which the present Commission issued, or in the Commission it self, or that, the Commissioners have in their report taken notice of any such Private rights, or that they are saved in the final Order, of Council that establishes the Boundary line. However, considering the manifest intent of these sort of grants, whether, appearing from the general nature or the particular recitals or considerations of them that the Country may be setled and Inhabited, and the Tacit condition attendant on them, that the Lands should be settled in a reasonable time. We think due care will be taken of the private property, arising from these grants, if His Majesty shall be pleased to give these sort of Proprietors a reasonable time to come in and accept of new grants, upon Terms of settling the Lands within a certain time, reserving the Old Quit Rent, and Pines fit for His Majesty's Navy; And, in case of their not accepting these Terms, His Majesty may resume the Lands.

The proper manner of making such resumption, after such default, is by making new grants, to such as shall be willing to accept them, at such Rents, and on such Terms, as shall be thought most advisable.

14 Aug^{t} 1752.— Sign'd D: Ryder
W: Murray.

[*Proposals concerning Mass. Grants of N. H. Territory.*]

[Mss. Prov. Boundaries, p. 207.]

PROPOSALS touching the title of lands granted by Mass[a] now falling within N H

1[st] To shew that the taking of the New Towns from Mass[a] and adding of them to N H has abundantly Retarded and discouraged the Settlements (1[st]) in regard to the quit-rent demanded, (2) in regard to the inability of New Hamp[r] to defend them in Case of a war. (3) in defeating the line of block houses intended to be built from Connecticut to Merrimack, which in all humane probability would have effectually covered these new Settlem[ts] and been also a great Security to the Neighbouring Colonys ag[st] the Incursions of the French and Indians to w[ch] they now lye Exposed, in a wretched Naked and defenceless Condition

2 To Shew That Mass[a] Stil Supports Fort Dummer thô in this prov: and Maintains the French trade there w[ch] this prov: is not able to do to keep the Ind[ns] in terms and w[ch] much tends to prevent a war and by y[e] way this Goverm[t] as It is not able to maintain y[e] Garrison and Support the Ind[n] has Never made any Motion to take it into their hands

3. upon those Considerations to Move that The Titles of those Towns and parts of Towns Granted by Mass[a] on this Side of Merrimack River falling within this Province be Confirmed to the proprietors, and then the whole Towns to be Annexed to this prov: if the Proprietors Consent and Mass[a] Goverm[t] are willing Making Merrimack the boundary, and the New Townships on the West Side of Merrimack to be restored to Mass[a] that Governm[t] immediatly building the line of block houses before mentioned but if this or Nothing of this kind can be done Then

4[th] But Mainly and principally to Make a Vigourous push for Grant of Confirmation immediatly from the Crown without leaving it to the discretion of humour of a Governor and Councill, and that, without a quit-rent for which many Reasons may be Suggested

5 If a Grant of Confirmation immediatly from the Crown can't be obtain'd, Then to try for a New Gov[r] and an alteration of Councell[rs] and likewise an addition out of the new Acquisitions of 6 More to make the Number of Councell[rs] 18 instead of 12. Since the prov: is Grown so big, and to have it left in the discretion of the Gov[r] and Council to demand quitrents or not for confirmation, as they Shall Judge will be most for the interest & advantage of the Crown and of the Country

6 If a Dispensation of the Quit-rent Instruction can't be obtain'd, Yet to Insist on an additional Number of Councill[rs], and get an order for an Additional Number of Assembly Men also out of the New Acquisitions —

And then Make an Act for quieting possessors by which the Proprietors may have their Titles Secured, without any Immediate Confirmation from the King or Gov[r] & Council, or w[thout] any quit rent But there must be Mony to bring any of these things to pass & where there is enô of that what Mayn't be done —

[*Western Boundary of New Hampshire*, 1764.]

[Mss. Prov. Boundaries, p. 237.]

AT THE COURT AT S[t] JAMES'S

[Seal] the 20: day of July 1764

PRESENT

The Kings most Excellent Majesty.

Lord Steward	Earl of Hillsborough
Earl of Sandwich	M[r] Vice Chamberlain
Earl of Halifax	Gilbert Elliot Esq[r]
Earl of Powis	James Oswald Esq[r]
Earl of Harcourt	

WHEREAS there was this day read at the Board, a Report made by the Right Honorable the Lords of the Committee of Council for Plantation Affairs, dated the 17[th] of this Instant, upon considering a Representation from the Lords Commissioners for Trade and Plantations, relative to the disputes that have some Years subsisted between the Provinces of New Hampshire and New York, concerning the Boundary Line between those Provinces. — His Majesty taking the same into consideration, was pleased with the advice of His Privy Council, to approve of what is therein proposed, and doth accordingly hereby Order and Declare, the Western Banks of the River Connecticut, from where it enters the Province of the Massachusets Bay, as far North as the forty fifth Degree of Northern Latitude, to be the Boundary Line between the said two Provinces of New Hampshire and New York, — Whereof the respective Governors and Commanders in Chief of His Majestys said Provinces of New Hampshire and New York for the time being, and all others whom it may concern, are to take notice of His Majestys pleasure hereby signified, and govern themselves accordingly./ — W: Blair./

THE BOUNDARY LINE CASE.

[The following documents, and the plans accompanying them, are copied from a printed volume in the office of the Secretary of State, entitled "New Hampshire and Massachusetts Boundary Cases, 1739." This volume consists of a collection of papers made by the late Henry Stevens of London, England, and was purchased of him by the State of New Hampshire in 1885. Referring to this volume, Mr. B. F. Stevens, of London, brother of the late Henry Stevens, writes, "I remember the book very well. Some portions of it I have seen elsewhere, but I don't remember seeing the collection of papers before or since. My brother and I thought the collection as such was absolutely unique."—ED.]

NEW HAMPSHIRE.

The (late) House of Representatives of the Province of *New Hampshire* } Complainants.

Jonathan Belcher, Esq; Governour of that Province, } Respondent.

The Complainants CASE.

HIS Majesty's Province of *New Hampshire* in *America*, has the Misfortune to be bounded, both on the Southern and Northern Sides, by the vast Charter Government of the *Massachuset's-Bay*, which has for many Years made continual Encroachments upon her, and supported them with a high Hand.

THE great Province, knowing their Usurpations are without any Colour of Right, have had one Point always in View, at any Rate to prevent the Boundaries being settled, or any Question concerning them determin'd.

ABOUT the Year 1729, His Majesty appointed Mr. *Belcher* Governour of the *Massachuset's-Bay* and of *New Hampshire* also. 1729.

IN both Sets of Instructions to Mr. *Belcher*, His Majesty took Notice of the long Continuance of the Dispute between those Provinces relating to their Boundaries, and that His Majesty judged it would be for *His Service*, as well as for the Peace and Tranquility of the said Colonies, that the

Massachuset's *80th Instruction.* New Hampshire *77th Instruction.*

said Dispute should be adjusted, and therefore commanded him to propose Methods to the respective Assemblies for determining such Dispute.

BUT, notwithstanding these Instructions, *New Hampshire* soon found they had little to hope from any Attempt, under his Government, to get the Boundaries fairly and impartially settled, otherwise than by an Application directly to His Majesty.

WHEREFORE the Assembly of *New Hampshire*, that is to say, the House of Representatives *only*, upon the 31st of *October* 1731, appointed Mr. *Rindge*, their Agent, to come over to *England*, and solicit His Majesty to settle their Bounds, as the only Means left to preserve His Majesty's Right, and to free his Tenants from the many Oppressions they laboured under.

1732 Feb. 28. Mr. RINDGE petition'd His Majesty for that Purpose.

1735 Jan. 22. HIS Majesty, by his Order in Council, after very many interlocutory Proceedings, approv'd of a Report made by the Right Honourable the Lords of the Committee of the Privy Council, that a Commission should issue, and that His Majesty should name the Commissioners, and was pleased to refer it back again to the Lords of the Committee, to consider of proper Persons for Commissioners.

1736 Octob. 26. THE Lords of the Committee referr'd it to the Lords of Trade, to consider what Directions would be proper to give to the Commissioners.

Decemb. 8. *Lords of Trade's Report.* THE Lords of Trade made a Report, proposing the whole Set of Clauses to be contained in the Commission; and, amongst others,

THAT the Commissioners should be directed to hold their first Meeting on the 1 *Aug.* 1737.

THAT each Province should send to the Commissioners, *at their first Meeting*, the Names of two Publick Officers on whom any Notices, Summons's, or final Judgments of the Commissioners might be served.

THAT each Province should send to the Commissioners, *at their first Meeting*, a plain and full State of their Demands, or Pretensions in Writing, describing where, and in what Places, the Boundaries ought to begin, and what Courses, and how far, the same ought to run, that Copies thereof might be mutually exchang'd, (in order to prevent any unnecessary Delay) and that each Party might come fully prepared.

THAT when the Commissioners should have made and signed their final Determination, a Copy should be sent to such publick Officers; as likewise Notice of another Meeting, *to be held within six Weeks* after the Delivery of such Copy, or such *other* reasonable Time as

the Commissioners should appoint; *at which* each Province might enter their Appeal, with a Declaration what Parts of the Commissioners Determination they abided by, or appealed from; and that each Province should be allowed true Copies of the whole *Process*.

That if, *at that last meeting of the Commissioners*, neither *Province* should enter their Appeal, *the Determination of the Commissioners should then become Final and Conclusive to all Parties*.

And the Lords of Trade, in their Report, proposed, that during the Meeting of the Commissioners, the Governour should keep the respective Assemblies sitting, or under short Prorogations, that they might meet *within twenty Days* after such Determination delivered, in order to determine what to do therein.

Jan. 18. *Mr.* Wilks's *Petition against part of that Report.*

The Agent for the *Massachuset's-Bay* petitioned the Lords of the Committee, that the Commissioners might not have power to *shorten* the six Weeks Adjournment for receiving Appeals, (which he thought they might do, under the then present Proposal of an Adjournment for six Weeks, or *other* reasonable Time) but that they might be directed to adjourn for six Weeks, or such *further* Time as the Commissioners should appoint. [So necessary did he conceive it to be that the Provinces should have *a full* Time to consider of their Appeal.]

He also alledged by his Petition, that the Process was not order'd to be given *Time enough* for the Assembly to see it, before they must determine whether to appeal or not, but only a Copy of the *final Determination;* and he urged Reasons why the Assembly should, also, have the *Evidence* before them for their Consideration to form a right Judgment, whether they ought to appeal, or not.

And, as to keeping the Assemblies sitting, or under short Prorogations, he alledged by his Petition, that the *Massachuset's* Assembly sate Spring and Fall, and hoped it was not necessary to keep the Assembly sitting, or under short Prorogations, during the Time of the Enquiry, as it might be of great and general Inconvenience to the Members, and create great Uneasiness in the Province.

Feb. 4. *Lords of the Committee's Report to his Majesty.*

The Lords of the Committee made a Report to His Majesty, wherein they agreed to the Matters proposed by the Lords of Trade, with such Variations as hereafter mentioned.

Their Lordships of the Committee proposed the Commissioners first Meeting to be upon the said 1 Aug. 1737.

And, if each Province should neglect to send in the Names of their two Officers, *at the Commissioners first Meeting*, or should neglect to send in the full State of their Demands in Writing, *at the said first Meeting*, that then the said Commissioners should proceed *ex parte*.

THAT after the Commissioners Determination they should adjourn for six Weeks, or some *farther Time*, not exceeding three Months; and that, if neither Party should enter their Appeal or Exceptions, *at such last Meeting*, then no Appeal or Exceptions should be afterwards received or admitted, and such Determination of the Commissioners, being confirm'd by His Majesty, *should be Final and Conclusive to all Parties.*

THEIR Lordships further proposed by their said Report, that, to the end the said Commission might not be frustrated, the Lords of Trade should write Letters to the Governour of the two Provinces, to recommend to the Councils and Assemblies of *each* Province, to appoint and send in the Names of their publick Officers to the Commissioners *at their first Meeting*, together with their Demands in Writing, and to acquaint the Provinces, that, if they omitted so to do, the Commissioners were impower'd to proceed *ex parte.*

BUT their Lordships left out that Direction, which had been proposed by the Lords of Trade; that the Governour should keep the Assemblies sitting, or under short Prorogations, so as to meet within twenty Days after the Commissioners Determination.

Feb. 9. *Order in Council.* THEIR Lordships Report was confirm'd by Order in Council of this Date.

Feb. 18. *Lords of Trade's Letter to Mr.* Belcher *with that Order.* PURSUANT to that Order in Council, the Lords of Trade wrote Letters to the Respondent Governour *Belcher* as Governour of each Province, to recommend to the Councils and Assemblies of each Province, to name their publick Officers, and send in the State of their Demands to the Commissioners *at their first Meeting*, and to acquaint them, if they omitted so to do, the Commissioners were impower'd to proceed *ex parte.* And, for his further Information, their Lordships sent to him, in each Letter, a Copy of the said Order in Council of the 9th of *February* then instant, (which contained every one of the Clauses that were to be in the Commission) and acquainted him, that their Lordships expected that he should take particular Care, without any Delay, to carry every particular Part thereof, so far as the same might lie in his Power, into Execution.

1737 April 1. GOVERNOUR BELCHER prorogued the *New Hampshire* Assembly (which was then sitting) to the 6th of *July.*

April 9. AT length, after above four Years repeated Struggles, and after numerous expensive Oppositions had been given thereto in all Shapes by the *Massachuset's-Bay*, his Majesty's Commission on that Day issued, and bore Teste here, under the Great Seal of *Great Britain*, being sued out at the sole Expence of the

Complainants, who had by their Agent petition'd for the same; and it was directed, not to the Governour, but to the twenty Commissioners in the different Provinces who were to determine the Controversy, and there was no Direction whatever therein to Governour *Belcher*.

THE *Massachuset's-Bay* plainly saw that this Commission, if duely executed, and if *New Hampshire* was allow'd a fair Opportunity to assert his Majesty's Right, would put an end to all Hopes of further Encroachments on the King's Lands; and therefore, to prevent *New Hampshire* from being heard *at all*, either before the Commissioners in *America*, or before his Majesty upon any Appeal here,

Mr. BELCHER, the Governour of both Provinces, but in the Interest of the *Massachuset's-Bay*, was prevail'd on to act in Manner as herein aftermentioned, and his Behaviour therein is the Subject Matter of the present Complaint, and makes it necessary to state the following Particulars.

THE Letter from the Lords of Trade, (enclosing the said Order of Council of the 9th of *February*) was delivered into Governour *Belcher's* own Hands. April 22.

THE Governour writ to the Lords of Trade, owned the Receipt both of their said Letter, and of the said Order of Council; and promised to pay *the most exact Obedience* thereto. May 10.

THE Complainants having Reason to apprehend that the Governour might, under a Pretence of want of Notice of the Commission, delay the Execution thereof, took out an Original of the Order of Council under the Privy Council Seal; and, on this Day deliver'd it into his own Hands, in order to avoid that Pretence. June 2.

AND they hoped, that if he would not call the *New Hampshire* Assembly on purpose, and shorten their Prorogation on this extraordinary Occasion, yet, that at least he would let them meet on the 6th of *July* in Course, which was the time they were prorogued to, and which would have given them an Opportunity to prepare for the 1st of *August*.

AND in the mean time the Complainants duly served the Commission upon the Commissioners, in so much, that on the first Day of their Meeting on the said first of *August*, altho' by the Commission five was a sufficient *Quorum* of the Commissioners, a large *Quorum* of eight Commissioners attended, at great Distance from their several remote Provinces, upon the said first of *August*.

NOTWITHSTANDING this Notice to the Governour, he was pleas'd, by a Proclamation made by him in the *Massachuset's-Bay*, (without any Pretence that his Council had advised June 20.

him thereto) to prorogue the *New Hampshire* Assembly further, to the 4th of *August*, (three Days after the Time he knew the Commissioners were commanded to meet, and three Days after the Time he knew that *New Hampshire* was to name its Officers, and to deliver in its Demands, under Pain of the Commissioners proceeding *ex parte*.) And the same Day he printed such his Proclamation in the *Boston* Gazette.

Aug. 1. THE Commissioners met, there was no Assembly sitting, or that could possibly set in *New Hampshire*, for the Governour had prorogued them over. And in this Distress, a Committee, which had been appointed at a former Sessions of the *New Hampshire* Assembly, took upon themselves to attend the Commissioners *at their said first Meeting*, and to name two publick Officers for *New Hampshire* and to present to the Commissioners, *at their said first Meeting*, the best State they were capable to frame of the *New Hampshire* Demands.

HIS Majesty's Commissioners seeing what insuperable Difficulties the Governour had put *New Hampshire* under, had the Justice to proceed according to the Spirit of his Majesty's Commission, and therefore received, recorded and proceeded upon that Nomination of Officers, and that Claim, so presented by the said Committee; altho' the *Massachusets* afterwards objected that those Matters had not been done by the *whole province* of *New Hampshire*, which they insisted to be the Governour, Council and Assembly, and which their own Governour by his Prorogation had made absolutely impossible; and the Governour himself in the eighth Paragraph of his Answer to this very Complaint has made it Part of his Defence, and insisted that the Committee had not the least Colour of Authority to appoint such Officers.

Aug. 4. THE Commissioners proceeded, and the second Prorogation being ended, the *New Hampshire* Assembly met, but the Governour's Secretary immediately came by the Governour's Order, and again prorogued them a third Time to *Wednesday* then next, being the 10th of *August*.

Aug. 10. AT length, upon the 10th of *August*, the Governour permitted the *New Hampshire* Assembly to sit, and made a Speech to them, that the Commissioners being arrived, and ready to *enter* upon business, the first thing the Assembly had then to do, was to chuse and appoint two Officers. And he further told them, that he had prorogued them to that Time and Place, to *facilitate* all Matters relating to the Controversy.

THE *New Hampshire* Assembly was as much surprized at the Speech, as at the Governour's former Behaviour, in regard both Prov-

inces knew that the Commissioners, after their Arrival, had not only entered, but proceeded upon Business, and had received the Nomination of the Officers, and the State of the Claims for *New Hampshire*, and had been proceeding ten Days before thereon; and the Assembly perceived that such Speech was intended to draw them into some Disavowal of what had been before done, at least in due Time, and in the best Manner the Necessity of the Thing, and the Governour, would permit them to do it, and that his Design was to turn the whole Matter into Confusion.

WHEREFORE they returned an Answer to his Speech, that the Committee had given in the Names of the Officers, which they much approved of; for that, had it not been done at the Commissioners *first Meeting*, they apprehended the Commissioners might have proceeded against the Province *ex parte*, agreeable to His Majesty's Commission, to which they had, and would pay a strict Obedience.

THE Commissioners verbally pronounced their Judgment, or final Determination, (which is very long) and then they adjourned over to meet again upon the 14th of *October*, at 10 o'Clock in the Morning, *to receive the Appeal of either Province*. And it had been directed, both in the Order of Council, and in the Commission it self, that if either Party did not at such last Meeting present their Appeal or Exceptions, no Appeal or Exceptions should be afterwards receiv'd or allowed. 1737 Sept. 2.

THE Commissioners Judgment, as to the most Material of the Bounds (where the *Massachuset's-Bay* claimed near two thirds of His Majesty's Province of *New Hampshire*) was Special; submitting the Matter to His Majesty upon the Evidence.

THE *Massachuset's* Agent had, formerly, by his forementioned Petition, insisted how necessary it was that the Assembly should have not only the Judgment, but the Process, and all the Evidence, *a considerable Time* before them, in order *fully* to consider how, and what to appeal from.

BUT upon that same *2d* of *September*, before the *New Hampshire* Assembly could possibly see the Judgment, or so much as hear the general Purport of it, the Governour instantly prorogued them to the 13th Day of *October*, the Day immediately preceding that, in the Morning whereof the Assembly of *New Hampshire* were to present their Appeal, or never after.

So that they could not have, by any possibility, more than the Part of one single Day's time to get a Copy of the Judgment, and of al the Papers (which are about Two hundred large Sheets, close written) and to read and consider the same, and whether to appeal or not, and from what Parts; and to prepare, settle, agree upon, engross,

and present in Form their Appeal to the Commissioners, all by the next Day at 10 o Clock in the Morning.

But even that short Space of Time was thought too long for *New Hampshire;* and as, by a Protest made before the Commissioners, and by a Petition specially presented to His Majesty, the *Massachuset's-Bay* have contended that the House of Representatives, *alone*, could not appeal, but it must be the *whole Province*, Governour, Council and Assembly; so in order to make any such Appeal absolutely impossible to be presented, the Governour, tho' he did meet the *New Hampshire* Council, both on the 13th and 14th of *October*, (according as his Secretary has now made up the Minutes) yet did not permit them to sit any time whatever, or transact any sort of Business on either of those Days; for, on the First of them they only met, made an Entry of the Receipt of two Messages sent up to them, and instantly adjourned. And on the Second of those Days, the Governour and Council met, and instantly adjourned, without any Matter whatever being transacted.

Octob. 13. The *New Hampshire* Assembly met, and the Representatives got as many of the Papers as they could.

Octob. 14. They framed their Vote of Exceptions to the Commissioners Judgment, as well as the Hurry would permit them: They sent up to enquire, if there was any Council sitting? The Answer to the Message was, That there was no Council. They waited till near Sun-set, and then sent up another Message to the Council; the Secretary (who was appointed by the Governour, and is Clerk of the Council) return'd for Answer, that there was no Council that he knew of, and that the Governour was not known to be in the Province.

This was the very last Day the Appeal was to be presented. The Commissioners had now been waiting the whole Day for an Appeal. The House of Representatives therefore did (at the very last Moment) all that was possible for them to do, they sent up to the Commissioners the Vote of *their* House, containing *their* Appeal, or Exceptions, against the Commissioners Judgment.

And the Commissioners who were upon the Spot, and who saw the unwearied Diligence of the *New Hampshire* Assembly, and how the Governour defeated and baffled every one of their Endeavours, had the Justice to receive and enter the same upon their Record.

Altho' the Agents for the *Massachuset's-Bay* enter'd a formal Protest, that this was not an Appeal from the *whole* Province of *New Hampshire.*

With regard to the *Massachuset's-Bay,* the Governour's Conduct was very different; for,

THE *Massachuset's* Assembly being sitting, he sent to them the Lords of Trade's Letter to him, and the said Order of Council therein inclos'd. 1737 May 27.

HE then kept them sitting constantly for six whole Weeks afterwards.

AFTERWARDS, when the Commissioners had upon the 2d of *September* pronounced their verbal Judgment, he did not prorogue that Assembly immediately, but kept them sitting daily till the 7th of *September*, and upon the 5th of *September*, (and not before) that Assembly procured a Copy of the Commissioners Judgment, and appointed several Committees from Day to Day upon it.

WHEN they had made such Preparation for their Appeal as they thought proper, they, on the 7th of *September*, sent up two several Messages to him, that they had no Business then left before them, and that they desired to rise. Septem. 7.

AND then, *and not till then*, he adjourned them to the 12th of *October*, (which would be two Days before the Commissioners were to meet to receive the Appeals.)

BUT on that 7th of *September*, before such his 'Adjournment, he sent them another written Message, that the Affair of the Boundaries, being a Matter of great Importance, he hoped they would take effectual Care that their Members should generally attend their Duty, at the Time he should adjourn them to.

THE *Massachuset's* Assembly met again, and the Governour, Council, and Representatives, all concurred in their Appeal, and it was presented to the Commissioners in Form, from their whole Province; they being under no sort of Difficulties whatsoever. Oct. 12, 13, 14.

As the Conduct of the Governour towards the two Provinces upon this Occasion was widely different, so it is observeable that upon the 29th of *June* 1737, (nine Days after the Governour had publish'd in the News-Paper his Proclamation for proroguing the *New Hampshire* Assembly over to the 4th of *August*) he sent a written Message to the *Massachuset's* Assembly, complaining that he was a great Sufferer by the sinking of the Value of their Bills of Credit, and desired them to make him a just Consideration; which Message they referred to the Consideration of *the next Sessions*. 1737 June 29.

IN the next Sessions, *the very Day* that he had agreed to the *Massachuset's* Appeal, and had made it impossible for the whole Province of *New Hampshire* to appeal, he repeated his Message to the *Massachuset's* Assembly, told them he had been a great Sufferer by the sinking their Bills of Credit, as he had men- Octob. 14.

tioned to them in his former Message of the 29th of *June*, and desired *a righteous* Answer to his Message.

And the *Massachuset's* Assembly resolved then to consider that Message on *Tuesday* then next, and voted the Governour Three hundred thirty-three Pounds, six Shillings and eight Pence, in Bills of the New Tenor, (equal to a Thousand Pounds in Bills of the old Tenor) which they expresly mention to grant him, on Account of his *late* extraordinary *Trouble*, and Expence in the *Service* of that Province; to which they add, the Dearness of Provisions, and other Necessaries of Life.

1737 Octob. 15. The Commissioners having received both Appeals (in such Manner as before mentioned) on the said 14 *October* on the next Day afterwards, the Representatives of *New Hampshire* past a Vote, reciting that the *Massachusets* had made such an Appeal, wherefore, for defending the same, and for prosecuting the Affair on the part of *New Hampshire* before his Majesty in Council, they voted that *John Thomlinson* Esq; should be impower'd to carry on that Affair before his Majesty in Council, as Agent for *New Hampshire*.— And that Vote being sent up to the Council, they on the 17th of *October* (*three Days after the Time for Appealing was over*) upon that particular Vote, and on that Occasion, past a Vote (the Governour being present in Council) that they were of Opinion, it was not for the Interest of the Province either to appeal or defend against *any* Appeal, *made or to be made*, but to submit the Matter as it then stood to his Majesty.

Octob. 15. The *New Hampshire* Representatives voted that a Thousand Pounds Bills of Credit (not quite Two hundred Pounds Sterling) should be emitted, and put into the Treasury, in order to carry on the Affair before his Majesty in Council but that Vote being sent up to the Council, the Council (the Governour himself being present) nonconcurred the same on the 17th of *October*.

Octob. 18. The *New Hampshire* Representatives past another Vote for emitting a Thousand Pounds such Bills, and that out of the same only the Sum of a Hundred Pounds should be transmitted home to the Agent. But that Vote being sent up to the Council, they in presence of the Governour, nonconcurred the same also on the 20th of *October*.

While, on the other hand, the Representatives of the *Massachuset's*, on the 13th, 19th, and 20th of the same *October* voted a Sum *no less than Two thousand Pounds Sterling*, to be sent Home to their Agents, to prosecute their Appeal; and appointed no less than three Agents to prosecute such Appeal, and every one of such their Votes were made compleat and effectual, and were concurred by the Governour and Council of the *Massachuset's-Bay*.

The House of Representatives of *New Hampshire* thought it due to His Majesty and themselves, to present this Complaint, which on the 7th of February 1737 the Governour was ordered to answer; and his Answer was not put in till the 21st of *October* 1738.

After the Answer was deliver'd in, and pending both the Appeal and this Complaint before His Majesty in Council, the Governour, in order to disappoint the same, dissolved the *New Hampshire* Assembly.

But, subsequent thereto, by an Order of the 30th of *January* 1738, the Lords of the Committee order'd, that four Gentlemen of *New Hampshire* should be at Liberty to search and take out Copies of Papers, in Support of the Complaint.

And the Papers being arrived, and the Matter coming on now to be heard;

The Complainants hope it will appear, That the Governour has abused the Power his Majesty intrusted him with as Governour; that he has acted herein, in Disobedience to the Order in Council so many Ways signify'd to him in due Time, with intent to frustrate his Majesty's Royal Commission and Purposes, and to prevent a fair and impartial Enquiry, and thereby unjustly to encroach upon His Majesty's Lands and Inheritance, in favour to his own Native Province, the Charter Government of the *Massachuset's-Bay*, and with a further View to his own private Advantage and Interest.

J. Browne.
W. Murray.

[Endorsed.]

NEW HAMPSHIRE

The (late) House of Representatives there,} Complainants.
Jonathan Belcher, Esq; the Governour there,} Respondent.

The Complainants Case.

To be heard before the Right Honourable the Lords of the Committee of his Majesty's most Honourable Privy-Council, for hearing Appeals, Complaints, *&c.* from the Plantations, at the *Cockpit*, at *Whitehall*, on Monday the 12th of November 1739, at 6 o'Clock in the afternoon, & again on 21st Novr

The Lords of the Committee Reported That it appeared to them that the Govr had acted with great Partiallity by proroguing the Assembly of New Hampshire from the 6th July 1737 to the 4th August following being three days beyond the time appointed for Opening

the Commission — In Disobedience to His Majestys Order in Council which had been transmitted to him by the Lords Commiss^{rs} for Trade & Plantations and which was proved to have been delivered to him in due time — And also by further proroguing the said Assembly from the 2^{d} Sept^{r} 1737 to the 13th October following whereby the said Province of New Hampshire were deprived of the time intended by His Majestys s^{d} Order in Council to be allowed them to Consider of the Determination of the said Commiss^{rs} and (if they found themselves aggrieved thereby) to prepare a proper & regular Appeale therefrom to His Majesty in Council in Order to a final Determination of the matters in dispute between the said Province & that of the Massachusets Bay & thereby to frustrate the Intention of His Majestys said Commission

[The last paragraph of this endorsement appears in manuscript, and the rest in print.]

ANDREW WIGGIN, *and Six other Gentlemen, a Committee of the House of Representatives of the Province of* NEW HAMPSHIRE, ... } Petitioners and Complainants.

AGAINST

JONATHAN BELCHER, *Esq, Governour and Commander in Chief of the said Province, under his Majesty,* } Respondent.

The RESPONDENT *the Governour's* CASE.

Petition of *Andrew Wiggin*, and Others.

THE said *Andrew Wiggin*, and Six other Gentlemen, a Committee of the House of Representatives of the Province of *New Hampshire*, have thought proper to present a Petition of Complaint to his Majesty, against Governor *Belcher*: Which Petition being of a very extraordinary Nature, the Respondent hath set forth the same verbatim in the Appendix (A).

This Petition was by Order in Council referred to the Lords of the Committee, who ordered a Copy thereof to be transmitted to the Governor for his Answer thereto. And,

June 9, 1738. The Governor's Answer to this Petition.

The Governor returned his Answer thereto, which is likewise set forth verbatim in Appendix (B).

N. B. Before this Answer came in, *viz.* in *April* 1738, the Petitioner Mr. *Wiggin*, and Mr. *James Jeffrys*, came to Mr. *Walrond*, Secretary of the Province of *New Hampshire*, and desired him to affix the Province Seal to a Certificate, that the said *James Jeffrys*

was Clerk to the Assembly. To which Mr. *Walrond* told them, they could not but know that the Governor was the only Person who could authorize the affixing the Seal, and that therefore they ought to have applied to the Governor; but that he supposed this Application was made to him on purpose to be deny'd, and with Design to make such Denial a Foundation of Complaint against the Governor, that they could not get their Papers properly attested under the Province Seal. But the Secretary further told them, that he would write to the Governor, and acquaint him with their Application; and which he accordingly did within a Day or two after, and received an Answer thereto, which he communicated to them in a Letter, delivered with his own Hand, to the said *James Jeffrys*, on *May* 1, 1738, which Letter was as follows:

To *Andrew Wiggin*, Esq; and Mr. *James Jeffrys*.

Gentlemen,

You, doubtless, remember, that when you spoke to me at my House, on Wednesday *last, the 26th of last month, concerning a Certificate with the Province Seal, I told you as it was then Post-day, I expected an Answer from his Excellency that Night, touching what you requested; and that if you should think proper to come or send to me next Morning, you might without any Doubt know the Governor's Pleasure on that Head; and accordingly, by the Post on the said 26th of* April *last, I had the Honour of receiving an Answer from his Excellency to what I had wrote him the Week before at your Request; and his Words are:* If the Speaker sends me an attested Copy of the Vote of the House, of *James Jeffrys* being chosen their Clerk, and *Jeffrys* sends me the Papers to be annexed to his Certificate, I shall then sign a proper Certificate, that he is Clerk, and not before; for I don't know that he is Clerk.

I am, Gentlemen, &c.

That from the time of the Delivery of the said Letter to the said *Jeffrys*, the Secretary never heard one Word from the said *Wiggin* or *Jeffrys*, touching a Certificate, or the Province Seal, till the latter End of *October* 1738, when the said *Wiggin* and *Jeffrys* came again to his House, and desired him to give them a Certificate with the Province Seal, that the said *Wiggin* was Speaker of the House of Representatives; to which the Secretary reply'd, That he was really asham'd for them, that they should play such mean and low Games, and make such trifling and frivolous Attempts, when they well knew, it was not in his Power to grant what they demanded. Upon which Mr. *Wiggin* ask'd the Secretary, Whether he would write to the Governor for them: To which he reply'd, He had wrote once for them already, and they might then have had what he wrote for, but

they would not; and now they might write for themselves, for he would not be their Tool again, since they would not accept what he wrote for in their behalf before. He moreover told them, the Governor would be in the Province in a few Days, and then they might personally apply to him, if they saw meet. And the next Week after this Conversation, the Governor came into the Province, but they made no Application to him during his Stay in the Province, which was 20 Days; and of all which the Respondent hath the Secretary's Affidavit under Seal, with this further, That he never heard that the Province Seal was deny'd to any Person that apply'd to the Governor for it; and that he had wrote to the Governor more than a score of times in behalf of Persons that wanted the Use of the said Seal; and upon every Application, it was ordered without the least Demur or Delay; and that the sending to the Governor from time to time for his Order to affix the Seal, has been always without any Expence to the Person that wanted it.

Deposition of *Richard Waldron*, Secretary of *New Hampshire*, sworn *May* 29, 1739.

Note. Agreeable to what the Secretary imagined, instead of applying to him after he had got the Governor's Directions in this matter, or getting the Certificate required by the Governor, or applying to the Governor, when in the Province, they, in a very unfair manner, apply'd to the Lords of the Committee; and under a false Suggestion, that the Governor had refused to authenticate the Minutes of the Council and Assembly, they had prepared to send over to support their Petition.

December 9, 1738. They obtained an Order from their Lordships, whereby it was ordered, that the Representatives of *New Hampshire*, or their Agent, should be permitted to search or take Copies of the minutes and Proceedings of the Governor, Council, and Assembly of the said Province, as they should think necessary to support their said Petition; and soon after an Account arriving, that the Governor had dissolved the Assembly, upon an Application to their Lordships, acquainting them, that by this Accident, the above Order would, in the manner in which it was worded, become useless,

January 30, 1738. Their Lordships made another Order, that *George Jeffrys*, *Theodore Atkinson*, *John Rindge*, and *Thomas Packer*, Esqs; or any other to be by them appointed, should be permitted to search for, and take out the Copies of Papers, as directed by the above Order of the 9th of *December*, and that the Secretary of the Province should attest them as true Copies, and the Governor fix the Seal of the Province thereto.

April 30, 1739. This Order was delivered to the Governor, who immediately directed the Secretary to conform himself thereto,

and to annex a Certificate, and fix the Seal, and send it to the Governor for him to sign. And,

May 2, 1739. The Secretary acquainted Mr. *Jeffrys* and Mr. *Rindge*, by Letter, that he was ready to examine and attest the Copies of the Journals, *&c.* and to annex a proper Certificate to them and the Province Seal, and to send them to the Governor for his Signing. And which were attested accordingly.

The Papers transmitted are of too great Length to bring within the Compass of a printed Case; but when the whole thereof comes to be laid together, and impartially considered, the Respondent humbly hopes he will stand fully justified, with regard to the several Matters charged against him; and that the said Petition of Complaint shall be dismissed as entirely groundless.

First charge. The first Charge against the Respondent is his non-concurring for five Years past, the most wholsome Laws the House could devise.

Answer. But this is so far from Fact, that the Respondent has, during the whole time of his Government, refused his Assent to only one single Law, *viz*, the Act for emitting 6000 *l.* in Paper Bills, and which he was obliged to do, the same being directly contrary to his Majesty's Instructions: With which he acquainted the House before the Bill was passed, and likewise gave them a Copy of his Instructions. He also a second time reminded them of it, and informed them expresly, if they passed the Bill in the Shape they had then prepared it, he should be under a Necessity of rejecting it. However, as it was a Bill of the most publick Nature for the Supply of the Treasury, and as they were so obstinate, that they would supply it in no other way; and as it was a thing directly contrary to his Majesty's Instructions, the Respondent laid the whole Matter before the Lords of Trade, to procure his Majesty's Leave to give his Assent to the Bill, if it was thought proper. But their Lordships by no means thought it a proper Bill for him to assent to, and acquainted the Respondent, it was a thing he could have been no ways justified in, had he assented to it: And the Respondent has been so far from non-concurring for five Years, as is charged, that this is the only Bill he has ever non-concurred, as the Petitioners style it: But has, in general, passed more Laws for the time he has been Governor than any of his Predecessors.

Second charge. The second Charge is from the frequent Dissolutions of the Assembly.

Answer. It is very observable, that this Complaint comes from none but the Members themselves, and but from Seven of them; and how far the Members are proper to complain of this, is

submitted. If there were any Grounds for this Complaint, it should come from the Freeholders; but they make no such Complaint, nor indeed any Complaint at all.

The Respondent did not dissolve any one Assembly till after they had sat their usual Time of a Sessions, nor till they had finished all the Business before them, save only the supplying the Treasury, and which they obstinately persisted to do in a manner directly contrary to, and in Defiance of his Majesty's Instructions, and in such a way as the Governor could not allow of; and all the Dissolutions appear by the Journals of the House to be on this Account, and in hopes to get a new Assembly, that would be more obedient to his Majesty's Commands.

And it is very observable, that none of the Dissolutions were on any Dispute touching the Respondent's own private Interest, but all of them on account of the Assembly's refusing to conform themselves to the Royal Instructions. They struggled often and long with the Respondent to have withdrawn him from his Duty, and to have prevailed on him to have broke the Instructions of the Crown; but he knew his Duty, and 'tis hoped, the Firmness he showed in the Discharge of it, will meet with the Royal Approbation. And it is really Matter of Surprize, how the Petitioners, who so well knew the sole Motive of these Dissolutions was owing to a continued unparallelled Contempt of, and Disobedience to the Royal Instructions, should be hardy enough to make this one Head of their Complaint against the Respondent to the Crown.

Especially, when it is considered, that the Assemblies are generally annual in all our Plantations, and are required by their Charter to be so in all Charter Governments; which will, it is hoped, be a full answer to this Part of the Charge.

Third charge. The Third Charge accuses the Respondent with the reproachful and opprobrious Speeches the several Dissolutions were attended with.

Answer. But surely the Gentlemen, when they were making this Charge against the Respondent, did not observe the Style of their own Petition, which is apprehended to be by much the most reproachful and opprobrious one that was ever presented to the Throne: And is infinitely beyond any thing the Petitioners can point out in any of the Respondent's Speeches.

The whole of the Respondent's Behaviour with that of the Assembly's too, appears from the Journals of the House; and the Respondent is sure he can with great Truth say, that the Addresses of the Assembly are the most indecent that were ever presented to the King's Representative; and that there is nothing in the Respond-

ent's Speeches, but what the Behaviour and Addresses of the Assembly made absolutely necessary; and that he must have betrayed the Honour and Dignity of the Crown, if he had behaved otherwise, the only Struggle between him and the Assembly being, whether the Instructions of the Crown should be obey'd or disobey'd, and put at Defiance.

Fourth charge. That in the Affair of the Lines, the Respondent, to frustrate *New Hampshire* from the Benefit of his Majesty's Commission, which had been issued to determine that Dispute, tho' he communicated the Heads of the Commission to the House at their Sessions in *April* 1737, and when they were immediately resolving to expedite (what in them lay) that important Affair, to their great Surprize and Disappointment, before any Step could be taken, in Obedience to the said Commission, they were prorogued to the 4th of *August*, and again to the 10th. Whereas the Day for Opening the Commission, was the 1st of *August:* And this is charged as done by the Respondent with a premeditated Design to frustrate the Effect of the Commission, and in order to serve his favoured Province of the *Massachusets Bay*, as they affect to call it.

Answer. But when the real Truth of this Case is looked into, how does all this laboured Charge at once disappear, and upon how gross a Falshood does the whole of it depend!

For they artfully and falsly represent, as if the Respondent had prorogued them by Surprize, and before any Step could be taken by the House to be prepared against the Commission.

And yet, forgetting this, and for the sake of introducing a new Charge against the Respondent, for recommending it to them to chuse Officers, they immediately afterwards, in this very Petition, say, that the Committee appointed by the General Assembly to attend the Commissioners had, on the first Day of their Meeting, appointed such Officers who were accepted; and by which they have themselves shown that they had taken the proper Steps before they were prorogued; and in Fact, on the

1st of April, 1737. The Assembly of *New Hampshire* named a Committee to attend the Commissioners, and gave them all necessary Powers, and in as full a manner as Words could express; and in which this Respondent and the Council all concurred, and the Committee did accordingly attend the Commissioners the first Day of their Meeting, and laid the Claim of *New Hampshire* before them. So that the Foundation upon which this Part of the Complaint is built, and that which carries the whole of the Imputation with it, entirely fails the Petitioners. And if this Matter is looked a little further into, it will appear, that much more Care was

taken of *New Hampshire*, than of the *Massachusets*, not by Design, for the Governor, as it was his Duty, would, so far as he was able, have taken the same Care of both) but by Accident.

For the Commission was not delivered by the Petitioners, or their Agent, to the Respondent, as he humbly apprehends it ought to have been ; but being sent to Mr. *Rindge* one of the Petitioners, he kept it in his Pocket, and never communicated it to the Respondent till after he had prorogued both the *Massachusets* and *New Hampshire* Assembly to the 4th of August ; for that they might be both on the same footing, he prorogued both Assemblies to the same Day, and with this remarkable Difference in favour of *New Hampshire :* They had appointed a Committee with full Powers to attend the Commissioners before they were prorogued, which the *Massachusets* Assembly had not done, so that the Council of the *Massachusets*, when the Commissioners met, were forced to send to pray the Commissioners to indulge that Assembly for a few Days till they could meet ; and yet it is certain Mr. *Rindge* had the Commission some time before the *Massachusets* Assembly was prorogued, but secreted the same from the Respondent's Knowledge till afterwards ; for what this Respondent communicated to the Assemblies was not the Commission, (as the Petitioners untruly alledge) but the Report of the Board of Trade proposing a Commission to issue. Now have the Petitioners any Fact of this Kind to alledge against the Respondent ? And it seems somewhat surprizing, that Mr. *Rindge*, who has acted such a Part himself, could appear in this Complaint against the Respondent ; and had *New Hampshire* happened to have been in the Case of the *Massachusets,* with what aggravating Art would they have dressed it up into a much more formidable Complaint than they are able to make of their present Charge ! And as it thus fully appears, that *New Hampshire* was under no Difficultics in their Appearance before the Commissioners, they having a Committee of both Houses appointed by the Governor, Council, and Representatives, in *April*, four Months before the Commissioners met, to prepare and put in Pleas, Allegations and Evidence ; this absolutely falsifies this Part of the Petitioners Charge, "That the Governor was determined from the Beginning to frustrate this Commission," because by this it is manifest, that the Respondent took the earliest Care to render the Commission effectual, especially with regard to *New Hampshire,* and that the Respondent was so far from acting partially in Favour of the *Massachusets*, that tho' *New Hampshire* was thus fully prepared, the *Massachusets* had no Committee appointed to act for them till the 5th of *August,* four Days after the Commissioners met ; and by reason whereof the *Massachusets* met

with great Difficulties, and were obliged to send to the Commissioners praying an Adjournment, that they might have Time to prepare a State of their Demands to lay before them, and to appoint a Committee or Agent to act for that Province.

And to shew what little Foundation they have in general to charge the Respondent with Partiality in this Affair of the Line, it appears from the Minutes of the Assembly of both Provinces, that the Respondent was so intent and engaged in it, that he scarce made a Speech, or sent a Message, to either Assembly, but he brought in this Affair, pressing it with the utmost of his Power, and using every Argument he was Master of to pursuade them into this Settlement, till it seemed impossible to be effected any other way than by an immediate Order from his Majesty; and its not being done, the Respondent, in a Letter to the Lords Commissioners of Trade and Plantations, wholly imputed to the *Massachusets Bay*; and then further in Favour to *New Hampshire*, he pressed the *Massachusets* to give Orders to stop all Process in Law-Suits depending between Borderers on the Line; and it was impossible for any one to do more than the Respondent did to bring forward the Settlement of the Lines, or to act herein with more Impartiality than he did; and the Moment he was apprized a Resolution was taken to issue a Commission, he communicated the same to *New Hampshire* Assembly, and that much sooner than to the *Massachusets*; for he actually communicated to the Assembly of *New Hampshire* the Report of the Board of Trade for the Commission on the 18th of *March* 1736, and did not lay the same before the *Massachusets* Assembly till the 27th of *May* 1737, above two Months afterwards; a Circumstance which if it had happened the other way, and *New Hampshire* been the last acquainted with the Commission, would have been worked up into a principal Article of Complaint against the Respondent.

And when to all this it is added, that *New Hampshire* suffered no real Inconveniency on this Head, but had their Claim properly made and supported before the Commissioners, and that the Petitioners do not make even the least Suggestion to the contrary, it is humbly apprehended there is not the least Foundation to affect the Respondent by this Part of the Charge.

Fifth Charge.

Relates to the Respondent on the Meeting of the Assembly, recommending to them to choose two publick Officers, tho' he knew the Committee appointed to attend the Commissioners, had on the first Day of their Meeting appointed such Officers; and which they charge to be done to throw Difficulties in their way, and with Design to possess the Commissioners with a Notion of the Illegality of accepting such Officers so appointed. The

Consequence of which, they charge, must have proved fatal to them, as thereby they would have been excluded from the Right of exhibiting their Claims, which were to be preferred at the first Meeting of the Commissioners; and the Commissioners laid under a Necessity of proceeding *ex parte*, and granting the *Massachusets* unreasonable Demands.

Answer. This is a very groundless Charge. The *New Hampshire* Committee was appointed before the Commission arrived in *New England*, or was even passed the Great Seal here.

When the Commission arrived, it appeared that the *General Assembly* of each Province was thereby required to appoint those two publick Officers; the Respondent therefore apprehended, that the *New Hampshire* Committee had not strictly a Power to name these two Officers, so as to be strictly within the Words of the Commission; and therefore, as it was his Duty, mentioned this to the Assembly, and recommended it to them to appoint two Officers, and which he did to avoid any Objection, and to facilitate the bringing the Matter to a final Issue.

And it is impossible to conceive he could do it with either of the Views charged against him by the Petition. He could not do it with Design to throw Difficulties in their way, it being on the contrary plainly proposed with a View to prevent and remove any Difficulty that might otherwise be started on this Head. And it is impossible to conceive how any ill Consequence could have arose from the Assembly's having ratified and confirmed the Appointment of the two Officers named by their Committee, and which was all the Respondent had in View. And he could not do it with Intent to hinder the Commissioners from accepting the two Officers nominated by the Committee, because in their very Petition they state and admit, (and the Fact is so) that the two Officers who had been so named by their said Committee, had been before accepted by the Commissioners, and such their Acceptance of them been recorded.

And which, it is humbly hoped, is a full Answer to, and Confutation of, this Charge.

Sixth Charge. The next and last Charge against the Respondent is, That immediately after the Commissioners had made up their Judgment, and before a Copy thereof could be obtained, the Respondent prorogued the General Assembly to the Day before the Commissioners had adjourned their Court, as their last Day to receive Appeals or Exceptions from either Government. So that they had only Part of one Day to prepare their Appeal, which stripped them of the Benefit of the six Weeks Adjournment directed in the Commission.

Answer.

The Nature of the Claim and of the Judgment of the Commissioners being considered, this Charge will necessarily fall to the Ground. The Claim of *New Hampshire* was contained in a very few Lines, and the Appeal or Exceptions to the Judgment of the Commissioners might be prepared in a Quarter of an Hour. But in this case the Judgment, or rather the Return of the Commissioners, being Special, the Whole would really have been before his Majesty in Council without any Appeal from either Province, and for this Reason the Council were against any Appeal; and they having declared this their Opinion, and as the Right of appealing was by the Commission given to the General Assembly, and not to the House of Representatives only, there could be no possible Inconveniency from the Respondent's not continuing the Assembly sitting on account of the Affair of the Lines. And this Prorogation was at the Request of the Council, who, as the Court of the Commissioners was adjourned, desired the Governor to give the General Court a Recess.

And the Committee had the same Power to act in the Recess of the Assembly, as when they were sitting; and as the Council were against appealing, the best Service the Governor could do the Province of *New Hampshire*, was to prorogue them, that so the whole Power might be in the Committee, who might have appealed in time; and in Fact the House of Representatives did file their Appeal in time, and which was received by the Commissioners, and is now depending before his Majesty in Council.

And unless the Petitioners can shew some real Inconveniency that attended them from this Step of the Respondent, it is humbly hoped this Charge, as a Complaint against him, shall fall to the Ground.

And with regard to this Part of the Complaint, it seems very material to observe, that the Commissioners, observing that the House of Representatives, in the Preamble to their Appeal, took Notice that the Council had not joined with them therein, and imputed the same to the Respondent's Adjournment of them, which deprived the House of Time to consult the Council thereon; the Commissioners adjourned their Meeting for several Days, and directed the Committee to endeavour to get the Concurrence of the other Parts of the Legislature to the Appeal, and during all which time the Assembly were sitting; but they never thought fit to send their Appeal to the Council, nor desire their Concurrence thereto; and if they had, it is natural to suppose the Council would have non-concurred the same; from their having non-concurred a Vote which the House had passed appointing an Agent to prosecute the same; and that amongst others, for this Reason, because they thought it not for the Interest

of the Province to appeal, but to submit the Matter to his Majesty on the Return of the Commissioners, as it then stood.

It is therefore humbly hoped, that this Part of the Petitioners Charge will likewise appear frivolous and groundless.

And these are all the Charges that are brought by the Petition personally against the Respondent.

For as to the Council's having non-concurred the Votes of the House for raising Money to carry on their Appeal, and appointing Agents to pursue it; this can never be imputed to the Respondent, who has no Hand in the Transactions of the Council. Had the Council concurred with these Resolutions of the House, and the Respondent had non-concurred them, then it would indeed have been a proper Charge for the Respondent to answer. But as these Votes of the House were non-concurred by the Council, they never came to the Respondent, nor did he at all act upon them, they never falling under his Consideration, so that it is hardly possible to make them a Charge against him. The Council might as well charge him with the Non-Supply of the Treasury, because the House would not concur their Votes on that Head. What were the Council's Reasons for non-concurring these Votes, is obvious and plain. They apprehended the Matter was fully before his Majesty on the Return of the Commissioners, and that it was not prudent to appeal; and being of that Opinion, it was natural for them not to join in raising Money, and appointing Agents for prosecuting an Appeal, where they thought there ought to be none. Whether the Council or House are in the right, the Event of the Appeal can only determine. The Commissioners were of Royal Nomination, and such as *New Hampshire* contended for, and the *Massachusets* opposed, and therefore not likely to be partial in Favour of the *Massachusets*. The Presumption is in Favour of the Sentence, that it is right; and the *Massachusets* have appealed from it, as too much in Favour of *New Hampshire*. And should it come out on the hearing of the Appeal, that the Council have been right in their Opinion, what will then come of this Charge against the Council?

Besides, the House of Representatives had all along to this time appointed Mr. *Tomlinson* the Agent of the House; and this being the Appeal of the House only, might be presented by him without any Concurrence of the Council, and in Fact it hath so happened; for Mr. *Tomlinson* hath Presented the Petition and Appeal which is now depending.

And at the Beginning of the Affair, the House sent to the Council, that the Expence of it would be defrayed by private Subscriptions.

And as to raising Money for defraying the Expence of the Commission, the Council were always ready for that; but the House would not concur with them, unless the Council would likewise come into their Votes in Favour of Mr. *Tomlinson*.

And when it is considered how obstinately the House of Representatives refused to come into any Vote for supplying the Treasury, agreeable to the Royal Instructions, for five Years together, it is amazing how they can have Resolution enough to make a Complaint of this Kind, when the Council were ready to raise all such Sums as were necessary; but because they would not go further, and pass Votes in Favour of Mr. *Tomlinson*, all the rest was as nothing.

As to the granting the Tract of Land, that involves the Council as well as the Respondent, the Respondent acting in all Grants of Lands by the Advice of the Council; but how this can be turned into an Appearance of a Complaint, is hard to conceive, unless it be Matter of Complaint, because it was not granted to the Petitioners; for it is admitted the Lands granted were no Part of the controverted Lands, and consequently were indisputably in the Power of the Governor and Council, and for the Interest of the Crown and Province to grant them. And there is no Objection that the Grantees were not proper and responsible Persons in all respects, save that they were great Opposers of the Settlement of the Lines; which is only inserted, as it is presumed, to shew that the Grants ought to have been made to the Petitioners, as the zealous Asserters of the Line. Besides, it no-where appears, that the Grantees were Opposers of the Line. The Petition does not so much as name the Grantees, and the Respondent neither knows nor believes they were any of them concerned in opposing the Settlement of the Line; but if they were, it is conceived, this was no Objection to their being Grantees of the said Land. And when they applied for this Grant on the usual Terms, and were in all other respects properly qualified, it is apprehended, this would not have been such an Objection as the Respondent could have been justified to have refused them a Grant on. And there is no Pretence that the Petitioners, or any others, applied and were refused; and why the Petitioners should repine at a Grant of unappropriated Lands being made to their Neighbours, for which they never applied themselves, carries something with it that does not cast the fairest Light on this Complaint.

These Observations, with those contained in the Respondent's Answer, will, it is hoped, fully justify the Respondent against all the several Articles of Complaint exhibited against him; and considering the Language in which this Petition is penned, there is little Room to doubt but that if the Petitioners could have found out any

other Heads or Articles of Complaint against the Respondent or his Administration, they would have appeared in this Petition.

And how far the Matters here charged against him, especially as they now come out, will any ways warrant or support the strong Expressions made use of in the introductory Part of this Petition, the Respondent most humbly submits.

The real Truth of the Case is this: — The Struggle of the Petitioners is with the Power and Prerogatives of the Crown, which they know the present Governor will never give up: they want to raise Money and supply the Treasury, their own way, and to introduce the same Rights in their House of passing Money Bills, as is enjoyed by the *British* House of Commons. This is what was never allowed to the House of Representatives in any of our Plantations, and the Respondent's not coming into this, is the great, the real Greivance, tho' the Petitioners dare not speak it out, and this was the grand Struggle in supplying the Treasury. The House would not suffer the Council to amend, neither would they suffer the Crown to direct; for in all their Votes resolved in direct Contradiction to the Royal Instruction, and this was the Cause of all the Dissolutions, and this is the true and real Foundation of the present Complaint, not but that they could, when they pleased, conform to these Instructions. For tho' they would not do it for the sake of the Province, nor to supply the Treasury to defray the Expences of the Government there, yet when they wanted Money for their favourite Agent, all Difficulties then immediately vanished, and they could then confine their Votes within the Bounds of the Royal Instruction.

So that really this is a Complaint against the Governor for doing his Duty, and for supporting and enforcing to the best of his Power the Royal Instructions, which were given him as that Guide and Rule by which all his Actions were to be governed.

Upon the Whole, the Respondent humbly hopes the Petition shall be dismissed, and declared to be groundless and vexatious.

J. Strange.
R. Hollings.

[ENDORSED.]

Andrew Wiggin, *and Others* . . . . . Petitioners.

AGAINST.

Jonathan Belcher, *Esq*: . . . . . Respondent.

The Respondent's CASE.

To be heard before the Right Honourable the LORDS *of the* COMMITTEE *of* COUNCIL, *at the* COUNCIL CHAMBER, Whitehall, *on* Monday, *the* 12*th Day of* November, 1739.

The House of Representatives of his Majesty's Province of *New Hampshire*, by *John Thomlinson* Esq; their Agent, for and on behalf of *His Majesty*, and of the said *Province*,— } Appellants.

The Province of the Massachusets Bay . . . Respondents.

AND

The Governour, only, of the Province of the *Massachusets Bay* . . . . . Appellant.

The House of Representatives of the Province of *New Hampshire* . . . . . Respondents.

The CASE of the House of Representatives of the Province of *New Hampshire*, depending before the Right Honourable the Lords of the Committee of His Majesty's most Honourable Privy-Council, upon two Petitions of *Appeal* presented to His Majesty in Council on the 6th of *February* 1737, and 20th of July 1738, from the Determination made on the 2d of *September* 1737, by His Majesty's Commissioners for settling the *Boundaries* of those *Provinces*.

1620 November 3. *Grant from the Crown to the Council of* Plymouth.

KING *James* the First, by Letters Patent under the Great Seal, in the eighteenth Year of his Reign, granted in Fee, unto the Council establish'd at *Plymouth* for the Planting of *New England*, and to their Successors and Assigns,

"ALL that part of *America*, lying and being, in breadth from forty "Degrees of northerly Latitude from the Equinoctial Line, to the "forty-eighth Degree of the said northerly Latitude, inclusively,— "And, in length, of and within all the Breadth aforesaid, throughout "all the main Lands, from Sea to Sea."

1627 March 19. *Their Grant to Sir* Henry Roswell *and others.*

THE said Council of *Plymouth*, by Indenture under their common Seal, granted in Fee, unto Sir *Henry Roswell*, and five others therein-named, their Heirs and Assigns, and their Associates,

"ALL that part of *New England* in *America* aforesaid, which lies "and extends between a great River there commonly called *Mono-* "*mack* alias *Merimack*, and a certain other River there called *Charles* "*River*, being in the Bottom of a certain Bay there commonly called "*Massachusets* alias *Mattachusets*, alias *Massatusets Bay*; and also "all and singular those Lands and Hereditaments whatsoever, lying "within the Space of three *English* Miles on the south part of the "said *Charles River* or of any and every part thereof; and also all "and singular the Lands and Hereditaments whatsoever, lying and "being within the Space of three *English* Miles to the southward of

"the most southermost part of the said Bay called the *Massachusets* "alias *Mattachusets* alias *Massatusets Bay*; and also all those Lands "and Hereditaments whatsoever which lie and be within the Space "of three *English* Miles to the northward of the said River called "*Monomack* alias *Merimack*, *or to the northward of any and every part* "*thereof;* and all Lands and Hereditaments whatsoever, *lying within* "*the Limits aforesaid*, *North and South in Latitude and in Breadth*, "and in Length and Longitude, *of and within all the Breadth afore-* "*said*, throughout the main Lands there, from the *Atlantick* and wes- "tern Sea and Ocean, on the East Part, to the *South Sea*, on the "West Part."

1628 March 4. *Confirmation thereof and Regrant by the Crown, being the* old *Charter, to the* late *Colony of the* Massachuset's Bay.

KING *Charles* the First, by Letters Patent under the Great Seal, in the fourth Year of his Reign, reciting the said Indenture which had been made by the Council of *Plymouth*, did grant and confirm unto the said Sir *Henry Roswell*, and the five other Grantees before-nam'd and also to their Associates therein-nam'd, *viz.* Sir *Ralph Saltonstall* and nineteen other Persons; their Heirs and Assigns,

"ALL the said Part of *New England* in *America*, lying and extend- "ing between the Bounds and Limits in the said Indenture exprest, "and all Lands and Grounds, Place and Places, Soils, Woods, and "Wood-Grounds, Havens, Ports, Rivers, Waters, Mines, Minerals, "Jurisdictions, Rights, Royalties, Liberties, Freedoms, Immunities, "Privileges, Franchises, Preheminences and Hereditaments whatso- "ever, bargained, sold, *&c.* or mentioned to be given, granted, *&c*, "to the said Sir *Henry Roswell*, &c, by the said recited Indenture."

AND, by further granting Clauses in the same Letters Patent, his said Majesty did (in a more particular manner) grant in Fee, unto the said twenty-six Grantees, their Heirs and Assigns,

"ALL that said part of *New England* in America, which lies and "extends between a great River called *Monomack* alias *Merimack* "*River*, and a certain other River there, called *Charles River*, being "in the Bottom of a certain Bay there commonly called *Massachusets* "alias *Mattachusets* alias *Massatusets Bay;* and also all and singular "those Lands and Hereditaments whatsoever, lying within the Space "of three *English* Miles on the south part of the said River called "*Charles River*, or of any or every part thereof; and also all and "singular the Lands and Hereditaments whatsoever, lying and being "within the Space of three *English* Miles to the southward of the "southermost part of the said Bay called *Massachusets* alias *Matta-* "*chusets* alias *Massatusets Bay;* and also all those Lands and Her- "editaments whatsoever, which lie and be within the Space of three "*English* Miles to the northward of the said River called *Monomack*

"alias *Merimack, or to the northward of any and every part thereof;* "and all Lands and Hereditaments whatsoever, lying *within the* "*Limits aforesaid North and South in Latitude and Breadth*, and in "Length and Longitude, *of and within all the Breadth aforesaid*, "throughout the main Lands there, from the *Atlantick* or western "Sea and Ocean, on the East Part, to the *South Sea*, on the West "Part."

And the said King created the said twenty-six Grantees, and such others as should be made free of the Company, a Body Politick and Corporate, by the Name of the Governour and Company of the *Massachuset's-Bay.*

1629 November 7. *The Council of* Plymouth's *Grant to* Mason *of* New Hampshire.

The Council of *Plymouth,* by another Indenture under their common Seal, granted and enfeoffed in Fee, unto Capt. *John Mason* his Heirs and Assigns,

"All that part of the main Land in *New England,* "lying upon the Sea-Coast, beginning *from the middle* "*part of* Merimack River, and from thence, to proceed, northwards, "along the Sea-Coast, to *Piscataqua River;* and so, forwards, up, "within the said River, and to the further Head thereof; and from "thence *North-westwards,* until threescore Miles be finished from "the first Entrance of *Piscataqua River;* and also from *Merimack,* "*through the said River*, to the furthest Head thereof, and so, for- "wards, *up*, into the Land, *westward*, until threescore Miles be fin- "ished; and from thence, to cross, over Land, to the threescore "Miles End, accounted from *Piscataqua River;* together with all "Islands and Islets, within five Leagues distance of the Premisses, "and abutting upon the same or any Part or Parcel thereof."

Which said Portion of Lands, with the Appurtenances, the said Captain *Mason* therein declared his Intention to call by the Name of *New Hampshire.*

And the Council of *Plymouth* covenanted that *Mason* should hold the Premisses, without any Interruption from them, *or from any Person or Persons claiming under their Estate, Right, Title or Interest.*

1635 June 7. *The Council of* Plymouth *surrender'd their Charter to the Crown.*

The great Council of *Plymouth*, by an Instrument under their common Seal, reciting the Grant made to them by the Letters Patent of the eighteenth of King *James* the First, granted and surrendered, to King *Charles* the First, the said Letters Patent, and all the Liberties, Privileges and Authorities thereby given, and their Estate, Claim and Demand in and to the same.

1635, Trinity Term. Quo Warranto's *against the Governour &c.*

In about seven Years after the first Incorporation of the Old Colony of the *Massachuset's Bay, Quo Warranto's* were brought in the *King's Bench,* against the Governour, Deputy-Governour, and every of the Assistants of the

Corporation of the *Massachuset's Bay* in *New England*, namely, Sir *Henry Roswell* and the rest of them, and a Day was appointed for them to make their Appearances — Some of them appear'd and disclaim'd the Charter — Others, not appearing, were outlawed, and

1637, Easter Term. *Judgment to seize, &c.*

JUDGMENT was given, for the King, that the Liberties and Franchises of the said Corporation should be seized into the Kind's Hands, and *Matthew Cradock* the Governour, his Body to be taken into Custody, for usurping the said Liberties.

1637 May 3. *Order in Council to call for their Patent and present it to the Board.*

KING *Charles* the First in Council, taking into Consideration the Patent granted to the Governour of *New England*, did order that the Attorney-General should call for it in, and present it to the Board, or to the Committee for foreign Plantations.

AFTER this time, though the Old Colony of the *Massachuset's-Bay* kept possession of some Lands, and exercised some Powers (which possibly was owing to the Troubles this Kingdom soon afterwards fell into, whereby the Charter was not taken up, nor that distant Affair much attended to) yet it is submitted whether they had any Colour of lawful Authority so to do.

1639 April 3. *Grant from the Crown to Sir* Ferdinando Gorges *of the Province of* Maine.

KING *Charles* I. by Letters Patent under the Great Seal, in the 15th Year of his Reign granted in fee, unto Sir *Ferdinando Gorges*, his Heirs and Assigns,

"ALL that Part, Purpart and Portion of *the Main Land* "of *New England* aforesaid, beginning at the Entrance "of *Piscataqua* Harbour, and so to pass up the same, into the River "*Newichwannock*, and through the same, unto the furthest Head "thereof, and from thence *northwestward*, till 120 Miles be finish'd; "and from *Piscataqua* Harbour Mouth aforesaid, northeastward, along "the Sea-coast to *Sagadahocke*, and up the River thereof to *Kenne-* "*beck* River, and through the same unto the Head thereof, and into "the Land northwestward, until 120 Miles be ended, being accounted "from the Mouth of *Sagadahocke;* and from the Period of 120 Miles "aforesaid, to cross over Land, to the 120 Miles and formerly reck- "oned up into the Land from *Piscataqua* Harbour, through *Newich-* "*wannock* River; and also the North Half of the Isles of *Shoals*, "together with the Isles of *Capawocke* and *Nautican* near *Cape Cod;* "as also, all the Islands and Islets lying within 5 Leagues of the "Main, all along the aforesaid Coast, between the aforesaid Rivers "of *Picataqua* and *Sagadahocke*, with all the Creeks, Harbours and "Havens thereunto belonging."

So that the old Colony of the *Massachusets*, (while they had Existence) claimed by Grant from the Council of *Plymouth*, and by Confirmation from the Crown under the Great Seal, *in Breadth* from 3

miles South of *Charles* River, to 3 Miles North of *Merimack* River, *or to the Northward of any and every part thereof*, and, *in Length* from Sea to Sea.

CAPTAIN *Mason* claim'd (by Grant *only from the Council of* Plymouth,) what he called *New Hampshire*, extending, in Breadth, from the *middle* of *Merimack* River to *Piscataqua* River, and, in Depth, back into the Country, 60 Miles only.

AND Sir *Ferdinando Gorges* claim'd the Province of *Maine*, by a Grant made by the Crown, (after the Surrender from the Council of *Plymouth*) extending, *in Breadth*, from *Piscataqua* Harbour and *Newichwannock* River, unto *Sagadahocke* and *Kennebeck* River, and in Depth back into the Country, 120 Miles only.

THE Breadth of the old *Massachusets* Colony, (at the Sea Coast) was about 60 *English* Miles (upon a streight Line of Latitude.)

THE Breadth of the Province of *New Hampshire*, at the Sea-coast, upon a streight North Line of Latitude, is not above 16 or 17 Miles, and measuring it aslant, as the Sea-coast lies, does not then measure above 19 Miles in Breadth there.

AND the Breadth of the old Province of *Maine* aslant on the Sea-coast was about 86 Miles.

THE *general Course* of the River *Merimack*, appears from the Plan sent over by the Commissioners.

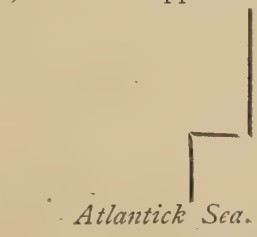
THIS River is most undoubtedly called *Merimack* at the *Mouth* of it, where it empties it self into the Sea.

FROM that Mouth, the Course of the River upwards, is *a general western Course* for 29 or 30 Miles back into the Country.

AND, so far as it goes that general *western* Course, a *streight* Line, *from Sea to Sea*, to be 3 Miles North of that River, is a plain, easy and natural Boundary to the *Massachuscts* Colony, under their old Charter.

BUT, after the River has gone so far up into the Country, upon that general *western* Course, then, one of the many Branches which run into it, turns short away, and (whatever Name it is called by) runs for about 55 Miles upon a general *northern* Course, sometimes North-easterly, or inclining to the East of the North, quite up to *Winnipissiokee* Pond or Lake.

AND, if this be (all of it) *Merimack* River, and that the old Colony of the *Massachusets*, under their old Charter, were to run their northern Bound from Sea to Sea by a crooked Line 3 Miles distant from *Merimack* River, *and from every or any part thereof*, it must have been a Line in this Manner,



1676. September 6. *The Answer of the Governour and Company of the* Massachusets, *to the Complaint from Mes.* Mason *and* Gorges, *of Usurpations then made upon them by that Colony.*

THE Governour and Company of the *Massachusets Bay*, presented to King *Charles* II. in Council, their Answer in writing, to the several Petitions and Complaints presented by Messieurs *Gorges* and *Mason*, complaining then of Encroachments made upon their Tracts, by the People of the *Massachusets*; together with a brief Declaration of their (the said Governour and Company's) Right and Claim to the Lands in their Possession, but pretended to by the said *Gorges* and *Mason*.

THE *Massachusets* said, in their said Answer, that they settled in the *most known* parts of their Grant, and that *Mason* and *Gorges* also settled upon their Grants, being (as they supposed) without the Limits of the *Massachusets* Grant; but that Disturbances arose among the Settlers under *Mason* and *Gorges*, who left and forsook their Settlers; and in that Time, Ignorance in the *Massachusets*, of the *northerly running* of *Merimack* River, hinder'd them from claiming the Government; but, at *length*, being more fully settled, and having obtained a *further Acquaintance* with the *Indians* possessing the uppermost Parts of that River, they, at the Request of the eastern Inhabitants, employed Artists, and found that their northern Patent Line did extend so far north as to take in all those Towns and Places which they then possest; and that the Inhabitants thereof, being urged with the Necessity of having *some* Government amongst them, voluntarily submitted to the *Massachusets* Government, namely, such several Towns in *New Hampshire*, at such respective Times, as in the said Answer was mentioned.

AND they went on in the following Words, in their said Answer:

"THAT our Extension of Government to those eastern parts "claimed, is agreeable to our indubitable Patent-right. Our Patent, "according to the express Terms therein contained, without any "Ambiguity, or Colour of the Interpretation, lies between two East "and West *Parallel Lines*, drawn from the most southerly part of "*Charles* River, and the most northerly *part* of *Merimack*, with 3 "Miles Advantage upon each; which, upon the Observations of Men "of approv'd and undoubted Truth upon Oath, are found distant "one Degree and 49 Minutes North Latitude, being to extend in full "Latitude and Breadth from Sea to Sea, *ut in terminis*, and there-"fore cannot be bounded by many hundreds, or infinite Numbers of "Lines, as the River *Merimack* maketh Bends or Angles in 200 "Miles Passage from *Winnipissiokee* Lake to the Mouth thereof; "which to imagine, as it is irrational, so would it involve us, and "any Borderer, into so many inextricable Disputes, as are by no "means to be admitted by a Prince seeking his Subjects Peace, *&c.*

And they insisted that, according to confirm'd Observations, which they had caused to be made, *all* the eastern Plantations, challenged by their Opponents, as above, were comprehended within the *Massachusets* northerly Line.

1676. February 7. *Reference of the Dispute.*

King *Charles* II. referred to the Lords of the Committee for Trade and Plantations, the said Matters in Controversy between the Corporation of the *Massachusets Bay* and Mr. *Mason* and Mr. *Gorges;* and directed an Examination into the *Bounds and Limits* which the Corporation, on the one hand, and the said *Mason* and *Gorges*, on the other, pretended by their several Grants and Patents to have been assign'd unto them; and also directed an Examination into the Patent and Charters insisted on by either Side, in order to find out and settle, how far the Rights of *Soil* or *Government* did belong unto any of them; and in the Consideration thereof, the two Lords Chief Justices were appointed to give their Assistance.

Special Report made thereon, As to the Government only, *and As between the* Massachusets *and the Province of* Maine only.

After which the Lords of the Committee, and the Lords Chief Justices *Rainsford* and *North*, specially reported to the King in Council, That the Respondents the *Massachusets, did disclaim Title to the Lands claimed by the Petitioners* Mason *and* Gorges; and that as the *Lands* were in Possession of several other Persons, not before the Lords Chief Justices, *they did not think fit to examine any Claims to the said Lands;* but, in presence of the Parties, did examine their several Claims *to the Government;* and the Petitioners having waved the Pretence of a Grant of Government *from the Council of* Plymouth, (wherein their own Council convinced them, that no such Jurisdictiom could be *transferred* by any Colour of Law) *the Question was reduced to the Province of* Maine, whereto the Petitioner *Gorges* made Title by the Grant from King *Charles*, I. in the 15th Year of his Reign. — And it was insisted, that the Grant of the Government to the *Massachusets*, by their Grant in the 4th Year of King *Charles* I. 3 Miles to the Northward of *Merimack* River, or to the northward of any and every part thereof, could extend no further than the Ownership of the Soil; the Boundaries of which, as recited in that Patent, *wholly excluded the Province of* Maine, *which lay northward more than* 3 *Miles:* And thereupon their Lordships observed, that it seemed to them to be very clear, that the Grant of the Government the 4th of *Charles* I. extended no farther than the Boundaries exprest in the Patent; and that those Boundaries could not be construed to extend further northwards along the River *Merimack* than 3 *English* Miles; for the North and South Bounds of the Lands granted, so far as the Rivers extended, were to

follow the Course of the Rivers, which made the Breadth of the Tract; the Words describing the Length to comprehend all the Lands from the *Atlantick Ocean* to the *South Sea, of and in all the Breadth aforesaid*, did not warrant the over-reaching of those Bounds by imaginary Lines or Bounds; other Exposition would, in their Opinion, be unreasonable and against the Intent of the Grant. — The Words, *of and in all the Breadth aforesaid*, shew that the Breadth was not intended an *imaginary* Line of Breadth laid upon the *broadest* part, but the Breadth, respecting the *Continuance* of the Boundaries by the Rivers, as far as the Rivers go; but when the known Boundary of Breadth determines, it must be carried on by imaginary Lines to the *South Seas*. And if the Province of *Maine* lay more northerly than 3 *English* Miles from the River *Merimack*, the Patent of the 4th of *Charles* I. gives no Right to govern there, and thereupon the Patent of the 15th of *Charles* I. will be valid.

So that, upon the whole, their Lordships were of Opinion, *as to the Power of Government*, that the Respondents the *Massachusets*, by their Patent, had such Right of Government as was granted them by their Patent, within the Boundaries of their Lands exprest therein, according to such Description and Exposition as aforesaid.

And the Petitioner *Gorges*, by the Patent of 3d *April*, had such Right of Government as was granted by the same Patent, within the Lands called the Province of *Maine*, according to the Boundaries of the same, exprest in the said Patent.

1677. July 20. *Order in Council confirming it.* His Majesty in Council approved and confirmed the said Report, and ordered all Parties to acquiesce therein.

In the same Year (as the *Massachusets* now insist) the Assignee of Mr. *Gorges*, conveyed to them the Province of *Maine*; but they have not produced or proved the said Conveyance.

1684. Trinity Term 36 Car. II. *Judgment in Chancery to vacate the Charter to the Colony of the* Massachusets A Judgment was given in the Court of Chancery in *England*, upon a Writ of *Scire facias* brought and presented against the Governour and Company of the *Massachusets Bay* in *New England*, that the said Letters Patent of King *Charles* I. dated the 4th of *March*, in the 4th Year of his Reign, and the Enrolment of the same, should be cancelled, vacated and annihilated, and should be brought into the said Court to be cancelled.

And, for above seven Years together, afterwards, the People in the Colony of the *Massachusets* Bay, had no Charter whatever, but were under his Majesty's Government.

KING *William* and Queen *Mary*, by Charter under the Great Seal, in the 3d Year of their Reign, gave and granted in Fee, unto their Subjects *the Inhabitants* of the Territory of the *Massachusets Bay* and their Successors, *some* of those Lands which they had formerly had a Grant of (*but by other and very different Bounds and Descriptions now*) also several *other* exceeding *large* Tracts of Lands, (which the *Massachusets* had never before had any Title to;) and, over some of those Lands which were convey'd by this new Charter, the Crown granted to the said Inhabitants *one Degree* of Power, and over *others* of them, the Crown granted *another Degree of Power.*

1691, October 7. *New Charter to the Province of the* Massachusets.

THE said Charter of King *William* and Queen *Mary* recites the Charter granted by King *James* the Ist, to the Council of *Plymouth*, their Grant to Sir *Henry Roswell* and others in the 3d Year of King *Charles* the Ist, and that King's Confirmation thereof by his Charter in the 4th Year of his Reign; It also recites that the said Governour and Company of the *Massachusets Bay*, by virtue of the said Letters Patent, settled a Colony of *English* in those parts; and it likewise recites the said Judgment in Chancery in the 36th of King *Charles* the IId, for vacating the said last-mention'd Letters Patent; and that sundry Persons had made Application to their said Majesties, to incorporate their Subjects in the said Colony, and to grant them such Powers, Privileges and Franchises, as their Majesties should think most conducive to their own Interest and Service.

The Contents of such new Charter.

THEIR Majesties therefore, by the said Charter, did in the first place will and ordain, "That the Territories and Colonies commonly "called or known by the Names of the Colony of the *Massachuset's* "*Bay*, and Colony of *New Plymouth*, the Province of *Maine*, the Ter- "ritory called *Accada* or *Nova Scotia*, and the Province of *Maine* be "*erected*, united and incorporated; and we do by these Presents "unite, erect and incorporate the same *into one real Province*, by the "Name of our Province of the *Massachusets Bay* in *New-England*.

AND of our special Grace, *&c.* "We do give and grant *unto our* "*good Subjects the Inhabitants of our said Province* or Territory of "the *Massachuset's Bay*, and their Successors,

"All that Part of *New-England* in *America*, lying and extending "from the *Great* River, commonly called *Monomack* alias *Merimack*, "*on the North-part*, and from 3 Miles Northward of the *said* River, "to the *Atlantick* or Western Sea or Ocean, *on the South-part*; and "all the Lands and Hereditaments whatsoever, *lying within the Lim-* "*its aforesaid*, and extending as far as the outermost Points or Prom- "ontories of Land, called *Cape Codd* and *Cape Malabar*, *North and*

" *South, and in Latitude, Breadth*, and in Length and Longitude, *of* " *and within all the Breadth and Compass aforesaid*, throughout the " Main Land there, from the said *Atlantick* or Western Sea and Ocean " *on the East-part*, towards the South-Sea or Westward as far as our " Colonies of *Rhode-Island*, *Connecticut* and the *Narragansett* Coun- " try.

" ALSO all that Part or Portion of *Main Land*, beginning at the " Entrance of *Piscataqua* Harbour, and so to pass up the same into " the River of *Newichwannock*, and through the same into the fur- " thest Head thereof, and from thence *North-Westward*, until 120 " Miles be finish'd; and from *Piscataqua* Harbour Mouth aforesaid " *North-Eastward* along the Sea-Coast to *Sagadahocke*: and from the " period of 120 Miles aforesaid to cross over Land to the 120 Miles " before-reckoned up into the Land from *Piscataqua* Harbour through " *Newichwannock* River.

" AND also the North Half of the Isles and Shoals.

" TOGETHER with the Isles of *Capawock* and *Nantucket*, near Cape " *Codd* aforesaid.

" AND also Lands and Hereditaments lying and being in the Coun- " try and Territory, commonly called *Accada* or *Nova Scotia*.

" AND all those Lands and Hereditaments lying and extending be- " tween the said Country or Territory of *Nova Scotia*, and the said " River of *Sagadahocke*, or any part thereof.

" AND all Lands, Grounds, Places, Soils, Woods, and Wood- " Grounds, Havens, Ports, Rivers, Waters, and other Hereditaments " and Premisses whatsoever, *lying within the said Bounds and Lim-* " *its aforesaid*, and every Part and Parcel thereof.

" AND also all Islands and Islets lying within 10 Leagues, directly " opposite to the Main Land, *within the said Bounds.*

AND all Mines and Minerals whatsoever, in the said Lands and Premisses.

TO hold to the said *Inhabitants* of the said Province of the *Massachusets Bay*, and their Successors for ever.

TO be held of their Majesties, as of the Mannor of *East-Greenwich*, by Fealty only, in free and common Soccage.

YIELDING the 5th Part of Gold and Silver Ore, and precious Stones.

IMMEDIATELY after which granting Part, follow these three restrictive Clauses or Provisos, *viz.*

" PROVIDED nevertheless, and we do, for us, our Heirs and Succes- " sors, grant and ordain, that all and every such Land, Tenements, " Hereditaments, and all other Estates which *any* Person or Persons, " or Bodies politick or corporate, Towns, Villages, Colleges or

"Schools, do hold and enjoy, or *ought* to hold and enjoy, *within the* "*Bounds aforesaid*, by or under any Grant or Estate duely made or "granted by any General Court formerly held, *or by virtue of the Let-* "*ters-Patent herein before recited*, or by any *other* lawful Right or Ti- "tle *whatsoever*, shall be, by such Person and Persons, Bodies poli- "tick and corporate, Towns, Villages, Colleges or Schools, their re- "spective Heirs, Successors and Assigns, for ever hereafter held "and enjoyed according to the Purport and Intent of such respective "Grant, under and subject nevertheless to the Rents and Services "thereby reserv'd or made payable, any matter or thing *whatsoever* "to the contrary notwithstanding.

"And provided also, That nothing herein contained shall extend, "or be understood or taken, to impeach or prejudice any Right, Title, "Interest or Demand *which Samuel Allen of London, Merchant,* "*claiming from and under John Mason, Esq; deceas'd*, or any *other* "Person or Persons, hath or have, or claimeth to have, hold, and en- "joy of, into or out of any Part or Parts of the Premisses *situate* "*within the Limits above mentioned;* but that the said *Samuel Allen,* "and all and every such Person and Persons, may, and shall have, "hold and enjoy the same in such manner, and no other, than as if "these Presents had not been, or made.

"It being our further Will and Pleasure, That no Grants or Con- "veyances of any Lands, Tenements or Hereditaments to any Towns, "Colleges, Schools of Learning, or to any private Person or Persons, "shall be judged or taken to be avoided or prejudiced for, or by rea- "son of any Want or Defect of Form, but that the same stand and "remain in Force, and be maintained, adjudged, and have effect, "in the same manner as the same should or ought, before the time of "the said recited Judgment, according to the Laws and Rules then "and there usually practised and allowed.

Then the Charter goes on (for six long Pages together) directing the Numbers and Qualifications of the present and future Members of the Corporation, and granting particular Powers of Government, Jurisdiction, Legislature, *&c.* in *very many* Instances.

After all which, there follows one other Clause, on the first Part whereof the *Massachusets* have rely'd.

"Provided also, That it shall and may be lawful for the said Gover- "nour and General Assemblys, to make or pass any Grant of Lands "lying within the Bounds of the Colonies, formerly called the Colonies "of the *Massachusets Bay*, and *New Plymouth*, and Province of *Maine*, "*in such manner*, as heretofore they might have done by virtue of any "former Charter or Letters-Patents, *which* Grants of Lands, *within the* "*Bounds aforesaid*, we do hereby will and ordain to be and continue

"for ever of full Force and Effect, *without our further Approbation* "*or Consent.*— And so as nevertheless, and it is our Royal Will and "Pleasure, that *no Grant* or Grants of any Lands, lying or extending "from the River of *Sagadahocke* to the Gulph of *St. Lawrence*, and "*Canada* Rivers, and to the Main Sea Northward and Eastward, to be "made or pass'd by the Governour and General Assembly of our said "Province, *be of any Force*, Validity or Effect, *until We, our Heirs and* "*Successors shall have signified our or their Approbation of the same*,

THE People in *New Hampshire* have, for a long time, endeavour'd, at a great Expence, and by every means in their Power, to have their Bounds settled.

1731, October 7. THE House of Representatives of the Province of *New Hampshire*, by a Vote of this Date, appointed *John Rindge*, Esq; to be Agent of that House in *Great Britain*, to sollicit the settling the Boundaries.

1732, February 28. MR. *Rindge* came over hither and humbly petition'd His Majesty in Council *to settle those Boundaries here.*

1733, March 29. April 16. HIS Majesty referred that Petition to the Lords of the Committee of Council, and their Lordships referred the same again to the Lords of Trade.

MR. *Rindge* and the Persons he employed, prest on that Petition with the utmost Ardour and Diligence; but through the frequent and *constant* Opposition, given on the Part of the *Massachusets Bay*, it was between 4 and 5 Years before Mr. *Rindge* could obtain a Commission to issue, meerly to settle the Bounds of the two Provinces.

1733, March 14. PENDING this Petition the Lords of Trade sent to His Majesty's (then) Attorney and Sollicitor-General the Charter granted to the *Massachusets* in 1691, and the following Question in Writing, *viz.*

1734, January 5. *A Question refer'd to Mr. Attor and Mr. Sol. Gen.* "FROM what Part of *Merimack* River the three Miles "(from whence the dividing Line between the Province "of *New Hampshire*, and the Province of the *Massachu-* "*sets Bay*, is to begin) ought to be taken, according to the Intent of the Charter of *William* and *Mary*?

1734, March 19. *Their Report where* one *of the Lines ought to* begin *according to the Charter.* MR. Attorney and Mr. Sollicitor-General made their Report in the following Words thereon, *viz.*

"WE have been *several times* attended by the Council "and Agents of *both* Provinces. The Council for *New* "*Hampshire* offered several Arguments to prove, that "the said dividing Line ought to be taken from three Miles North "of the *Mouth* of *Merimack* River.—The Council for the *Massa-* "*chuset's Bay would not say what it was they insisted on*, or give any "Answers to what had been urged by the Council of the other side;

"but declared, "that in their Opinion the Question which was pro-"posed to us would not *determine* the Matters in Dispute; and that "therefore they thought it unnecessary to say *any thing* upon it.—"Whether this be so or not, we are not able to judge; but, as to "the Question which is referred to us, *we are of opinion* that the "dividing Line, between the Province of *New Hampshire* and the "Province of the *Massachusets Bay*, is to be taken *according to the* "*Intent* of the Charter of *William* and *Mary* from three Miles North "of the *Mouth* of *Merimack* River, *where it runs into the Atlantick* "*Ocean.*

At last, His Majesty was pleased to take upon him (by the *Consent* of the Agent for the *Massachusets Bay*) to appoint Commissioners to determine these Disputes. And,

1736, February 9. *Order in Council preparatory to the present Commission.*

A Preparatory Order in Council was made, wherein the Powers to the Commissioners and many other necessary Directions were contained; and it was order'd, that a Commission agreeable thereto should be prepared, in order to pass the Great Seal; and it was thereby order'd, That the Charges attending the Commission and the Execution thereof, should be equally born between each Province; the Agents of the said Provinces having agreed it was reasonable so to be.

The *Consent* mention'd in that Order on the part of the *Massachuscts*, had been personally given by their Agent before the Lords Commissioners of Trade, and also before the Lords of the Council; had been given in Writing, also, in a Petition, signed by their Agent to the Lords of the Council, had been reported in one or two several Reports from those respective Boards; and finally was order'd by the said Order in Council.

As *New Hampshire* had, all along, with the greatest Diligence, and under repeated Oppositions from their Antagonists in all shapes, pursued this Affair, in order to have the Boundaries settled, and thereby his Majesty's and their own Rights preserved from the Encroachments of the Charter-Government, so the *New Hampshire* Agent sued out the Commission under the Great Seal (which they have reason to believe would otherwise never have been sued out) and therein expended the Sum of 135 *l.* 4 *s.* 6 *d.*

1737, April 9. *The Commission under the Great Seal issued here.*

His Majesty's Commission under the Great Seal bore date here, it was directed to twenty Commissioners therein named, whom, or any five or more of whom, his Majesty thereby authorized and appointed to be his Commissioners for settling, adjusting and determining the respective Boundaries of the said *Provinces* of the *Massachuscts Bay* and *New Hampshire.* And his Majesty, amongst other Directions therein con-

tained, was pleased to direct and command that the Commissioners should hold their first Meeting on the first of *August* 1737; and that in case either of the Provinces should neglect to send to the Commissioners, at their first Meeting, the Names of two publick Officers (for the Purposes therein mentioned) or should neglect to send to the Commissioners at their first Meeting, a plain and full State of their Demands or Pretensions, (in the particular manner therein directed) then the Commissioners, in either of those Cases, should proceed *ex parte*. And it was thereby further directed, that no Witnesses should be allowed of by the Commissioners to give Evidence, but such as should be sworn, or take a solemn Affirmation before the Commissioners in open Court; and that the whole of what such Witnesses should offer, *should be put in Writing by the Clerk, in the Presence of the Commissioners*, and of the respective Witnesses, and should be read to, and sign'd by the respective Witnesses: — And that Entries should be made of all Papers, Evidences, Deeds, Charters and Proofs received by the Commissioners in the Affair, and of all their Proceedings and Resolutions throughout the same, and that Plans or Drafts of such boundary Lines as should be agreed upon by the Commissioners should be annexed thereto and made Parts thereof; and that when the Commissioners should have made their final Determination, a Copy should be sent to certain publick Officers in each Province, and notice of another Meeting, to be held at a certain distance of time thereby appointed, at which said Meeting either of the said *Provinces* who should find themselves aggrieved might enter their Appeal to his Majesty in his Privy-Council, with a Declaration what Parts of the Determination of the Commissioners they abided by, or appealed from; but, if neither of the said Provinces should enter their Appeal or Exception against the Determination of the Commissioners, *at such last Meeting*, then in such Case it was his Majesty's Will that no Appeal or Exception should be afterwards received or admitted, and such Determination of the Commissioners, *being confirm'd by his Majesty*, should be final and conclusive to both the said Provinces.

The Conduct of the common Governour of both Provinces, to frustrate his Majesty's Commission, obtained after so much Opposition and Expence, although he had been in due time over and over served with the Order in Council to take care that proper Preparation was made for the Arrival of the Commission; and whereby the said Governour, in Disobedience to the said Order in Council, endeavour'd to prevent *New Hampshire* being heard *at all*, either before the Commissioners first, or before his Majesty by any Appeal; and which he carried so far as, by his own Act, to make it impossible for the *whole Province of New Hampshire* to name any Officers, or to present any

Claim before the Commissioners, or to make any Appeal, has, upon an Enquiry into the same, very lately appear'd before this most honourable Board.

But although the Governour made it impossible for the *whole* Assembly of *New Hampshire*, or even for the House of Representatives (*as such*) to do any one Matter directed by the Order in Council, yet a Committee appointed, for another Purpose, at a former Sessions by the House of Representatives of *New Hampshire*, attended the Commissioners at their first and subsequent Meetings, and carried on the Business in the best manner the Governour would let them.

The Commissioners met and opened their Commission, and the said *New Hampshire* Committee attended them, and nominated, in Writing, to them, (on that very Day) two publick Officers for *New Hampshire*, namely, the Secretary and High-Sheriff of the Province.

August 1, *The Commissioners met* New Hampshire, *named Officers, and also presented the Demands*, &c.

And, on the same Day, the said *New Hampshire* Committee also presented to the Commissioners a Claim and Demand, in Behalf of his Majesty, and of the Government of his Province of *New Hampshire*, whereby they did demand and insist,

1. That the *southern* Boundary of that Province should *begin*, at the end of three Miles North *from the middle of the Channel of Merimack River, where it runs into the* Atlantick *Ocean*, and from thence should run, *on a strait Line, West*, up, into the main Land, towards the *South Sea*, until it meets with his Majesty's other Governments.

The Purport of the New Hampshire *Claim.*

2. That the *northern* Boundary of *New Hampshire* should *begin*, at the Entrance of *Piscataqua* Harbour, and so to pass up the same, into the River of *Newichwannock*, and through the same, into the furthest Head thereof, and from thence, northwestward, that is, *North, less than a quarter of a Point westerly*, as far as the *British* Dominion extends.

3. They insisted that the western Half of the Isles of Shoals lay within the Province of *New Hampshire*.

4. And lastly they demanded that the Charge attending the Commission, and the Execution thereof, should be equally borne by each Province according to the Order of Council.

Which Demand was received and recorded, and afterwards proceeded upon, by the Commissioners.

The *Massachusets* general Court prepared and approved the State of their Demands. August 5.

The Commissioners met again, and *then* the Committee for the *Massachusets* produced, and the Commissioners received, the *Massachusets* State of their Claims and Demands. August 8, *The Massachusets Demands.*

WHEREIN they set forth the Order of Council of 1677, (made upon the Bounds of their *old* Charter) and insist on that, as conclusive and irrefragable, in the present Controversy.

AND they claimed and demanded,

1. A boundary Line, on the *southerly* Side of *New Hampshire*, beginning *at the Sea*, three *English* Miles North from the *Black Rocks* so called, at the Mouth of the River *as it emptied itself into the Sea sixty Years ago*, thence running *parallel with the River*, as far *northward as the Crotch or Parting of the River*, thence *due North* as far as a certain *Tree*, commonly known (as they said, but never offered to prove) for more than seventy Years past by the Name of *Indicot's Tree*, standing three *English* Miles northward of the said *Crotch* or parting of *Merimack River*, and, from thence, due West *to the South Sea.*

2. AND, on the *northerly* Side of *New Hampshire*, they claimed a boundary Line, beginning at the Entrance of *Piscataqua* Harbour, passing up the same, to the River *Newichwannock*, through that, to the furthest Head thereof, and from thence, *a due north-west* Line, till 120 Miles, from the Mouth of *Piscataqua* Harbour be finish'd.

AND the Commissioners received and proceeded on that Claim also.

AND the Commissioners, on the same Day, gave Copies of each other's Demands to the respective Committees, and adjourned to the next Day, to receive their reciprocal Answers to each other's Demands.

August 9. THE Commissioners met, but the respective Committees not being ready with their Answers, (as it was impossible the *New Hampshire* Committee should, their Assembly not having yet sate once) the Commissioners adjourn'd again to the next Morning.

August 10. THE Commissioners met, but the Answers not being yet ready, they adjourn'd again to next Day.

August 11. THE Commissioners met,

New Hampshire *Answer.* AND the *New Hampshire* Committee *first* tender'd their Answer to the *Massachusets* Claim, and therein offered such Reasons and Arguments as they thought proper, in support of their Demands, and in answer to the *Massachusets* Claim :

Massachusets *Answer.* AND *afterwards*, on the same Day, the *Massachusets* Committee filed their Answer also ;

BOTH which Answers were received and recorded by the Commissioners.

NOTWITHSTANDING the Directions given by the preparatory Order in Council, and in the Royal Commission, and the Commissioners

own Order agreeable thereto, yet the *Massachusets* producde five *Massachusets* Men interested in the Dispute, and had them sworn, and delivered in long ready-prepared Depositions, directly contrary to the same; then objected to the same themselves, and desired and had leave to examine the self-same Persons to a Set of leading Interrogatories; against all which *New Hampshire* filed several Protests before the Commissioners.

August 26, 27, 29, 30. *An Account of the Pieces of written Evidence offered by the* Massachusets.

After the *Massachusets* Committee had re-examined the said five Witnesses, they, upon the 26th, 27th, 29th and 30th of *August*, produced to the Commissioners, as Evidence on their part, the new Charter to the *Massachusets* of 7th *October* 1691, (which recites the Charter to the Council of *Plymouth*, that Council's Grant to Sir *Henry Roswell* and others, the old Charter to the *Massachusets Bay*, and the Judgment upon the *Scire facias* against that old Charter;) they also produced the said Report and Order of Council of 20th *July* 1677, the Grant from the Council of *Plymouth* to Mr. *Mason* of *New Hampshire*, dated 7th *November* 1629, several Clauses out of the Commissions granted by the Crown in 1691, 1697, 1702, 1716 and 1727, for the Government of *a part only* of the Province of *New Hampshire*, some *unauthentick* Copies of the *pretended* and *ex parte* Affidavits of four Persons, (made in *May* 1665) some Purchase-Deeds from *Indians*, a Grant from Governour *Shute* in 1722 to the Town of *Chester*, the Declaration of the *Massachusets* General Court in 1679 for withdrawing their Commissions out of some particular Towns in *New Hampshire*, an Address from the *Massachusets* to King *Charles* II. in 1678, and the Charter from King *Charles* I. of the Province of *Maine*, to Sir *Ferdinando Gorges* in 1639.

New Hampshire *filed an Objection to Evidence which related, etc.*

And the *New Hampshire* Committee objected *generally* in Writing, to all such Evidence as related to the Time of the *Massachusetts old Charter*, which they insisted could not operate in *this Case*, nor had any Relation to the *new Charter*, having been transacted under the *old Charter*, before that was vacated and annihilated.

An Account of the Pieces of written Evidence offered by New Hampshire.

The *New Hampshire* Committee produced *as Evidence*, the Clause out of Governour *Belcher's* Commission in 1729, (which was the only one that contained the Grant of the Government of *the whole* Province of *New Hampshire*) in which there were *no Bounds* mentioned at all for that Province, and the *Massachusets* Declaration of their Right and Claim in 1676, in answer to *Gorges* and *Mason's* Petition, and the Duplicate of the Order in Council of the 9th *February* 1736, and a Copy of Mr. Attorney and Sollicitor General's Report of 19th *March* 1734, where

one of the dividing Lines in question ought to *begin*, according to the Intent of the new Charter; which Copy was attested to be a true Copy of the original Report, under the Seal of the Lords Commissioners for Trade and Plantations.

THAT Report the Commissioners *received and read*, and it is mentioned in their Minutes that it *had been entered also*, but, (two Days afterwards) the Commissioners put the Question, whether that Report should be made *part of the Record?* and were equally divided thereon.

THE *New Hampshire* Committee also produced a Proceeding in Ejectment, between *Carlton* and *Adams*, in the Courts in the *Massachusets Bay*, from *June* 1733 to *May* 1734, (during the Time the Petition for the present Commission depended before his Majesty in Council) whereby the *Massachusets* had, even then, taken upon them to exercise Jurisdiction, not 3 Miles only, but, as the *New Hampshire* Committee insisted, 7 or 10 Miles beyond *Merimack* River; and also produced an Order of the Governour and Council of *New Hampshire* of 10th of *April* 1726, which had prohibited Persons from settling Lands at a Place called *Pennicook*.

Both Parties declar'd they had no further Evidence.

AND, after the respective Committees had declared they had *no further Evidence* to offer, the Commissioners adjourned from the 30th to the 31st of *August*.

August 31. New Hampshire *Reply*.

THE *New Hampshire* Committee presented to the Commissioners their *Reply*, containing many Observations and Arguments on the several Matters that had been offered.

Massachusets *Reply*.

AND the *Massachusets* Committee presented to the Commissioners their Reply also, wherein, amongst other Matters, they allow and confess, that the *lower* part of *Merimack* River is the *principal part of it*.

September 2.

THE Commissioners met and pronounced their Judgment (which was afterwards drawn up in these Words):

Commissioners Determination.

"PROVINCE of *New-Hampshire*, *Hampton Sept.* 2. 1737.

"At a Court of Commissioners, appointed by his Majesty's Commission under the Great Seal of *Great Brit-*
"*ain*, to settle, adjust and determine the *respective* Boundaries of the
"Provinces of the *Massachusets Bay* and *New-Hampshire* in *New*
"*England*, then and there held.

"IN Pursuance of His Majesty's aforesaid Commission, the Court "took under Consideration the Evidences, Pleas and Allegations, "offered and made by each Party, referring to the Controversy de-"pending between them; and upon mature Advisement on the whole, "a Doubt arose *in Point of Law*, and the Court thereupon came to "the following Resolution, *viz*

"1. That —— if the Charter of King *William* and "Queen *Mary*, dated *October* the 7th, in the third Year "of their Reign, grants to the Province of the *Massachu-* "*sets Bay, All* the Lands which were granted by the "Charter of King *Charles* the 1st, dated *March* 4, in the fourth Year "of his Reign, to the *late* Colony of the *Massachusets Bay, lying to* "*the Northward of Merimack River*: — Then — the Court adjudge "and determine, that a Line shall run *parallel with the said River*, "at the distance of three *English* Miles *North* from the *Mouth* of the "said River, *beginning at the Southerly Side of the Black Rocks*, so "called at Low-water-mark, and from thence *to run to the Crotch* or "Parting of the said River, where the Rivers of *Pemigewasset* and "*Winnepiesekoe* meet: and from thence, *due North*, three *English* "Miles; and *from thence, due West*, towards the South Sea, until it "meets with His Majesty's other Governments, which shall be the "Boundary or dividing Line between the said Provinces of *Massa-* "*chusets Bay* and *New Hampshire on that Side.*

As to the Southern *Boundary of* New Hampshire *special.*

"But —— if otherwise ——, then the Court adjudge and deter- "mine, that a Line on the Southerly-side of *New Hampshire*, begin- "ning at the Distance of three *English* Miles North from the "Southerly Side of the *Black Rocks* aforesaid, at Low-water-mark, "and from thence running *due West*, up into the Main Land, towards "the South Sea, until it meets with his Majesty's other Govern- "ments, shall be the Boundary Line between the said Provinces, *on the Side aforesaid.*

"Which Point, in Doubt, with the Court as aforesaid, they hum- "bly submit to the wise Consideration of His most sacred Majesty "in his Privy Council, to be determined according to His Royal Will "and Pleasure.

"2. And as to the Northern Boundary between the "said Provinces, the Court resolve and determine, That "the dividing Line shall pass up through the Mouth of *Piscataqua* "Harbour, and up *the Middle* of the River into the River of *Newich-* "*wannock*, (part of which is now called *Salmon Falls*) and through "*the Middle* of the same to the furthest Head thereof; and from "thence *North two Degrees Westerly*, until 120 Miles be finished, "from the Mouth of *Piscataqua* Harbour aforesaid; *Or*, until it "meets with His Majesty's other Governments.

As to the Northern *Boundary.*

"3. And that the dividing Line shall part the Isles of "Shoals, and run through the Middle of the Harbour, be- "tween the Islands to the Sea, on the Southerly Side; and that the "South-westerly Part of the said Islands shall lie in, and be account- "ed Part of the Province of *New Hampshire*; and that the North-

As to the Isles of Shoals.

"Easterly Part thereof shall lie in, and be accounted Part of the "Province of the *Massachusets Bay;* and be held and enjoyed by the "said Provinces respectively, in the same manner as they now do, "and have heretofore held and enjoyed the same.

As to the Charges. "4. AND the Court do farther adjudge, That the Cost "and Charge, arising by *taking* out the Commission, as "also of the Commissioners and their Officers, *viz.* the two Clerks, "Surveyor and Waiter, for their travelling Expences and Attendance "in the Execution of the same, be *equally* borne by the said Prov-"inces.

AFTER pronouncing which Judgment the Commissioners inform'd the Committees, that they should adjourn *to Friday the 14th of* October, *at ten in the Morning*, (being six Weeks) and order'd that Copies of the Judgment should be sent to the respective publick Officers in the said Provinces, and also Notice of the Court's said Adjournment, in order to receive any Exception or *Appeal*, which either or both Parties might have to the said Judgment.

AS to the *New Hampshire* Assembly, the Governour over both Provinces prorogued them (*only*) that very Morning of the 2d of *September* on which the Commissioners were to pronounce, and did pronounce, their Judgment, before ever the *New Hampshire* Assembly could possibly hear what the Judgment was, much less see a Copy of it, or consider it, to the 13th of *October* then next, the Day immediately preceding that, on the Morning whereof, or never, their Appeal was to be presented to the Commissioners.

WHEN the 13th of *October* came, the *New Hampshire Assembly* met, and endeavoured to consider some few of the Papers.

ON the 14th of *October* the *New Hampshire* Representatives met at eight in the Morning, and in the best manner they could, under their Situation, prepared and past *their* Vote of Exceptions to the Commissioners Judgment.

THEY sent up several times that Day to the Council (the other House of Legislature in *New Hampshire*) after the time the Council had been adjourned to, to know if the Council was sitting?

AND again, *it drawing near Sun-setting*, another Message was sent, to know if there was yet a Council, but the Secretary sent for Answer that there was no Council that he knew of, and that the Governour was not known to be in the Province;

WHEREUPON the House of Representatives of *New Hampshire* hastened away the Committee, with the Vote of Exceptions of the Representatives *only*, to be delivered to the Commissioners.

October 14. SIX of the Commissioners met,

Massachusets *Appeal entered before the Commissioners.* AND the *Massachusets* Committee presented their Appeal, consented to and concurred by their whole *General Court*, Governour, Council and Assembly, and conceived in the Form of a Petition to his Majesty in Council.

By which they declared, that they appealed from the first special Clause of the Commissioners Judgment, which related to the *southern* Boundary. *The same as that which was afterwards presented to His Majesty.*

1. Because their *present* Charter says, that *the* Colony of the *Massachusets Bay* is *incorporated* with *New Plymouth, &c.* into *one* Province, by the Name of the Province of the *Massachusets Bay*, "*not excepting the least part of it.*"

2. Because the *present* Charter impowers the Governour and General Assembly to grant *all* Lands in the *late* Colony of the *Massachusets Bay;* and declares, that *such* Grants shall be valid, and *therefore* grants to the *Massachusets*, *all* the Land to *the northward of Merimack* River, *as well as elsewhere*, that was in the *late* Colony of the *Massachusets.*

3. Because the *New Hampshire* Agents, in the State of their Demand had acknowledged, (as the *Massachusets* said) that *New Hampshire* lies without the *late* Colony of the *Massachusets*, and that the *late* Colony of the *Massachusets is incorporated* into the *present* Province of the *Massachusets;* and *therefore*, no doubt can be made, whether the Line of *New Hampshire* should include any part of the said late Colony, on Supposition that any part of it were not granted by the present Charter.

4. That the said Line ought not to run *West* into the Main Land, because a *West* Line *crosses Merimack* River about 30 Miles from the Mouth, and excludes the said River (where it is determined to be *Merimack* by the Judgment of the Commissioners) for about 40 Miles, out of the *Massachusets*, whereas *Merimack* River, and 3 Miles northward (they said) was in the *Massachusets*, by express Words, in both the old and *new* Charter, "*not excepting or excluding any part of it.*

5. They objected to the Commissioners Determination, as it directed a Line to be run *due West*, from 3 Miles North of the *Crotch till it meets with his Majesty's other Governments;* whereas (they said) that dividing Line could proceed *no further than* 60 *Miles;* for that the Province of *New Hampshire* never went further, neither by the Council of *Plymouth's* Grant to *Mason*, nor by his Majesty's Commissions to his several Governours of *New Hampshire;* which Commissions bounded that Province (as they said) only, from 3 Miles northward of *Merimack* to the Province of *Maine.*— So that the protracting that West Line, "*seem'd to be to prevent the* Massachusets *extending towards the* South Sea, or westward as far as *Connecticut.*"

6. They also objected to the *northern* Boundary being directed to run *North two Degrees westerly;* and insisted that it should have been *North-westward*, which (they said) was a well known and certain Course, the same as *towards* the *North-west.*

7. THEY also objected to that Line's being directed to proceed till 120 Miles from the Mouth of *Piscataqua* Harbour be finish'd, *or*, till it meet with his Majesty's other Governments; whereas they said it should have been *only* until the 120 Miles be finish'd, *without mentioning his Majesty's other Governments*, because the Province of *Maine* extended no further than 120 Miles, and *New Hampshire*, on that Side, was bounded by the Province of *Maine*, in all the Commissions to the several Governours of that Province wherein any Bounds were mentioned.

THEREFORE, by their said Appeal they prayed, that *such parts* of the said Commissioners Determination be *disallowed*.

The New Hampshire *Appeal tender'd, &c.*

AT *the same time* the *New Hampshire* Committee produced to the Commissioners the Vote of their House of Representatives, containing their Exceptions to, and Appeal from the Commissioners Judgment, *which Appeal was then entered*.

The Massachusets *objected that the* New Hampshire *Appeal did not come from that* whole Province.

BUT the *Massachusets* Agents objected, that it was only a Vote of *one Part* of the Legislature, which did not represent the *whole Province*, whereas, by His Majesty's Commission the Appeal ought to come from the *whole Legislature*, which was the *Province*.

WHEREUPON the Commissioners continued the Matter for Consideration till their next Adjournment, and adjourn'd to the 17th.

October 17. THE Commissioners met again, and the *New Hampshire* Committee being at their General Court, the Commissioners adjourn'd till next Day.

October 18. THE Commissioners met again, and *having duly considered* the Vote of Exceptions, made by the *New Hampshire* Assembly, *agreed and determined that the same should be received and made Part of their Records*.

The Purport of the New Hampshire *Appeal.*

BY the said Vote of Exceptions, that House of Representatives of *New Hampshire* took notice of the Governour's proroguing their General Court as before-mentioned, whereby that *Province* had been stript of the Benefit of appealing from such Part of the Judgment, as they might think unreasonable and prejudicial; but, that His Majesty might not think that House satisfied with all Parts of that Judgment, they voted, That His Majesty's Province of *New Hampshire* thought themselves aggrieved thereby, in the following Particulars.

WITH Regard to the *Southerly* Boundary.

1. FOR that the Judgment said, *beginning at the Southerly Side of the Black Rocks, at Low-water-mark*, when those Rocks were about *a Mile from the Mouth* of the River *Merimack, and near three Quar-*

ters of a Mile North from where it empties itself into the *Atlantick* Sea or Ocean.

2. 3. THEY objected to *a parallel Line with the River*, even in case a *crooked Line* should be run, which they were humbly of opinion *by no means ought to be admitted.*

AND said, that they objected against the running a *crooked Line parallel to the River*, it being founded on the *Old* Charter which had been long since vacated.

YET, in such case, it ought to begin three Miles to the North of the *Mouth* of the River *Merimack*, at Low-water-mark, where it empties itself into the *Atlantick* Sea, or Ocean.

AND, in that manner, to run *no further* than the River hath a *Western* Course.

AND, *not* to run parallel to the River, *where it runs North and South*, at three Miles Distance from the River, and far beyond, where they apprehended it was *formerly* called *Merimack*, and more particularly, because the *Massachusets Bay* now hold under the Charter of *William* and *Mary*, which never intended a *crooked Line.*

AND as to the *Northern* Boundary:

4. THEY objected to that Part of the Judgment which directed the Line to run through the Mouth of *Piscataqua* Harbour, and up the *Middle* of the River; because Mr. *Gorges's* Patent, under the *Massachusets* Claim, does not convey any Right to the *River*, and the Jurisdiction thereof had always been in the Possession of *New Hampshire*, and *never claimed by the Massachusets;* and *New Hampshire*, in order to preserve and safeguard the same, had always had a *Castle* and maintained a *Garrison* there.

THE *Massachusets* Committee filed a Protest before the Commissioners against receiving the *New Hampshire* Appeal, from the Assembly only; and said, that the whole General Court had *then* been *several Days* sitting, which was literally true; but that was *after the time appointed for receiving the Appeal was over*, (not before). October 18. Massachusets *filed a written Protest.*

THEN the Commissioners having directed Mr. *George Mitchel*, their Surveyor, to prepare a Plan or Draught of the Rivers and Boundary-Lines referred to, and mentioned in their Judgment; he performed the same, and the *Black Part* of the Plan of those Rivers is a true Copy of the same, only in a smaller Scale.

IN which Plan (now that it is finish'd) there appears to be a palpable Mistake, to the Prejudice of *New Hampshire*, for the Commissioners had directed a Line to be run (if the Determination of their Doubt went in one manner) *due West;* whereas the prickt Line marked upon the Plan for *due West*, really is *West and by North*,

being a full Point of the Compass to the Northward of the West, as appears plainly on the Face of the Plan, when *neither* of the Parties had demanded, nor had the Commissioners directed any such Line as that; but that is a mere Mistake in the Officer, and no Error in the Commissioners Judgment, which has expressly directed that Line to be *due West.*

And then the Commissioners adjourn'd to the 1st of *August,* 1738, in order to receive His Majesty's Royal Pleasure.

1737, February 5. *The* New Hampshire *Petition of Appeal presented.*

The House of Representatives of *New Hampshire*, by the said Mr. *Thomlinson* as their Agent, presented their Petition of Appeal to His Majesty in Council, for and on Behalf of His Majesty and the said Province, humbly complaining, as well of the said Judgment, as of the Behaviour of the Common Governour over both Provinces towards *New Hampshire,* and praying Relief in the same.

And referred. Feb. 6.

His Majesty was pleased to refer the same to the Committee of his Privy Council for Plantation Affairs.

1738, July 18.

The *Massachusets* Appeal was lodged in the Council-Office, and not before, and upon.

Referred. July 20.

His Majesty referred that Appeal also, to the said Committee.

July 26. New Hampshire. *instantly entered their Appearance to that Appeal.*

And, *immediately* the House of *New Hampshire* enter'd their *Appearance thereto* in the Council-Office.

Though the *Massachusets* Appeal deliver'd in to the Commissioners, was signed by the Governour himself by the Secretary by Order of the Council, and by the Speaker, in the Name of the Assembly; yet the present Petition, which is presented to His Majesty, (and is the whole on the *Massachusets* Part that is referred to their Lordships) is signed by the Governour *only.*

So that the Council and Assembly of the *Massachusets Bay* have either dropt and deserted the Appeal, which they once intended to make to His Majesty,

Or otherwise, have some Intention, by means of this wilfull Omission, to avail themselves by a further Delay, in bringing in another Petition of Appeal.

1738, October 9, 12. *Another Contrivance here to delay any Hearing and to prevent* New Hampshire *being heard at all, by a special Petition from the* Massachusets *to His Majesty.*

A Further Petition to his Majesty was lodged in the Council Office, and on the 12th of the same *October* 1738 was referred to the Lords, being a Petition from the *Massachusets* Agents of a most extraordinary Nature, one part thereof containing an Objection to the Regularity of the *New Hampshire* Appeal, as it came only from the House of Representatives. And the other parts thereof being an *additional* and *supplemental* Ap-

peal, (three Months after their own former Appeal presented to his Majesty and referred) from several *other* interlocutory parts of the Commissioners Proceedings, complaining that the Commissioners, during the Course of their Proceeding, had refused some Plan which the *Massachusets* said they had offered to them; alledging also, that the *Province* of *New Hampshire* had delivered no Appeal or Exception to the Commissioners, nor had authorised any Persons to attend the Commissioners; suggesting, that therefore the Commissioners should not have received *any* Appeal from the *New Hampshire* House of Representatives; and that the *Massachusets* had protested against the Commissioners receiving such an Appeal; and praying to have the Benefit of that and all their *other* Protests below; the *Massachusets* Agents also complained, that the *New Hampshire* Petition of Appeal contained several Matters of *personal Complaint* against the Governour for his Behaviour, which were no part of the Record of the Commissioners. [And which had been inserted in the *New Hampshire* Petition of Appeal, purely to show by what means it became impossible for any *other part* of the Legislature of *New Hampshire* to appeal, save the House of Representatives *only*.] And the said *Massachusets* Petition prayed his Majesty, "*That the Petition of Appeal from* New Hampshire *might be rejected and dismissed.*"

October, 26. New Hampshire *applied to have that Pet. brought on.*

NEW HAMPSHIRE finding this new Petition flung in their Way, (instead of an Appearance being entered to their Appeal) did, (at the very first Committee afterwards) humbly move the Lords, that such Petition might be *immediately* heard, and accordingly it was ordered.

It was so. Novemb. 2.

THAT Petition was heard by Council, and the Lords made a Report thereon to his Majesty.

30. *And by Order in Council it was dismiss'd.*

BY his Majesty's Order in Council their Lordships said Report was confirmed, and that Petition from the *Massachusets* Agents *was dismiss'd this Board, but without Prejudice to their being permitted to make their Objection against the Regularity of the* New Hampshire *Appeal, when the same should come on to be heard before the Committee.*

Another Step was necessarily taken by New Hampshire, *to bring on their separate Complaint against the Governour before the Appe. came on to be heard.*

THERE having been presented to his Majesty in Council (at the same time and along with the *New Hampshire* original Appeal) a *separate* Petition of Complaint from the House of Representatives of *New Hampshire*, against the common Governour over both Provinces, for his Behaviour towards *New Hampshire* in the Affair of the said Commission, the said House of Representatives were obliged to prosecute their said Complaint, in order to get it heard before the Appeal came on; and after waiting above nine

Months for the Governour's Answer thereto, and sending three several times successively to *America*, before the Governour would authenticate their Papers which were necessary to support that Complaint, they applied for a Day for hearing that Complaint.

1739, November 21. *The Report on that Complaint.*

That Complaint came on to be heard before their Lordships, who made a Report to his Majesty thereon, that the said Governour had acted with *great partiality*, by proroguing the Assembly of *New Hampshire* from the 6th of *July* 1737 to the 4th of *August* following (*being three Days beyond the Time appointed for opening the Commission*) *in Disobedience to his Majesty's Order in Council*, which had been transmitted to him by the Lords of Trade, and which was proved to have been *delivered to him in due time;* and also, by further proroguing the said Assembly from the 2d of *September* 1737 to the 13th of *October*, whereby the *Province* of *New Hampshire* were deprived of the Time intended by his Majesty's said Order in Council, to be allowed them to consider of the Commissioners Determination and (if they found themselves aggrieved thereby) to prepare a *proper and regular* Appeal therefrom to his Majesty in Council, in order to a *final* Determination of the Matters in dispute between the said Province and that of the *Massachusets Bay*, and thereby to *frustrate* the Intention of his Majesty's Commission.

December 27. *Confirm'd by Order in Council.*

His Majesty by Order in Council was graciously pleased to approve of the last mentioned Report.

And now, that the Judgment of the Commissioners, and all the Evidence, as well as Proceedings before them, are compleatly before his Majesty in Judgment, on Appeals from both Parties, the House of Representatives of *New Hampshire* humbly hope, that the *Merits* of this *long depending* Controversy will receive a compleat and *final Determination* here, such as the Commissioners below ought to have given, and that the several parts of the Commissioners Judgment shall be *varied*, as hereafter mentioned; for the following and many other Reasons that may be assigned.

As to the Point reported specially by the Commissioners.

As to the Matter stated *specially* by the Commissioners, as their Doubt in Point of Law, whether the *new* Charter granted to the *Massachusets all* the Lands which were granted by the *old* Charter, lying to the northward of *Merimack* River?

1. The old Charter granted the Lands from 3 Miles North of *Merimack* River, and also, from 3 Miles North of *any and every part thereof.*

Some Parts of that River, (as it is not only admitted but insisted on by the *Massachusets*) extend above 55 Miles more Northwards than the *other main parts* of that great River do.

BUT the new Charter grants only three Miles North of the *great* River, leaving out the Words *any and every part thereof*, and distinguishing from what part of the River the three Miles were to be measured.

2. ADMITTING it were possible that three Miles from the *great* River, or from the *great part* of the River, should mean the same thing, exactly, as three Miles from *any and every part* of the River,

YET, it is confest, and proved by the *Massachusets* themselves, that the Grant of *New Hampshire* to Capt. *Mason* was a Tract beginning in the *middle* of *Merimack* River, and extending thence *northwards*, and that Grant of *New Hampshire* was subsequent to the *old* Charter, while that old Charter was in force.

BUT *in the new Charter* there is an express *saving out of the Grant*, of *Allen's* Right as claiming under *Mason*.

BESIDES there is a general Saving or Exception out of the *new* Charter of the Right of all Persons *within the Bounds aforesaid*.

AND, without this Exception or Proviso, to restrain what was *in general* granted by the new Charter to the Province of the *Massachusets*, the *Massachusets* would have had all *Rhode Island*, *Conecticut*, *New York* and *New Jersey;* (all of which Colonies lay between *Merimack*, on the North part, and the *Atlantick* Ocean, on the South part, and all which Colonies had been granted away by the Crown in 1662, 1663 and 1664, long after the *Massachusets* first Forfeiture of their Liberties and Franchises ;) but, under this *general Proviso*, *Rhode Island*, *Conecticut*, *New York* and *New Jersey* are effectually excepted, and indeed so is *New Hampshire* also, in the general Words ; though *New Hampshire* does not stand in need of that *general* Exception, because there is *a particular and express Exception* relating to *New Hampshire*.

As to the Boundary on the South *side of* New-Ham. 1. *Where that Line shall begin. Whether* 3 *Miles or* 4 *Miles North of the River* Merimack's Mouth?

As *to the southern Boundary* of *New Hampshire*, the first Question in the natural Order is, where that boundary Line shall *begin*? *New Hampshire* insisted that three Miles should be taken North from the *middle of the Channel of the River*, where it runs into the *Atlantick* Ocean ; and the *Massachusets*, by their Demand before the Commissioners, insisted it should begin, *at the Sea*, but three Miles North from the *Black Rocks*, where (as they groundlessly pretended, but never proved) the River had emptied itself 60 Years ago.— The late Attorney and Sollicitor General, after considering the *Massachusets new* Charter, and being attended by Counsel on both sides seven or eight several times, had reported that, according to the Intention of that *new* charter (which recited their *old* Charter also) the Line ought to begin three Miles North of the

Mouth of the River, *where it empties itself into the Sea;* but the Commissioners have directed it to *begin* three Miles North from the Mouth of the River, beginning at the sourtherly Side of the *Black Rocks*, at Low-Water Mark, which is indeed *four* Miles North of every part whatsoever of the Mouth of the River, as appears by Inspection of the Commissioners Plan; for the Black Rocks lay deep in a Bay, considerably *within* the River's Mouth, and a Mile or more, *North* of every part whatsoever of the *Mouth* of the River, wherefore, considering this single Point either under the *Massachusets old* Charter, or under their *new* one, under *neither* of their Charters were they to go more than three Miles to the northward of that River, whereas measuring three Miles from the *Black Rocks*, in the Elbow or Bay, up within the side of the River, it really gives to the *Massachusets four* Miles North of the *Mouth* of the River; and what puts this Point, as *New Hampshire* humbly conceives, out of all question is, the plain Expressions in the *Massachusets* new Charter; the very first Boundary wherein directs, that the northern Limits of the Province of the *Massachusets* shall extend, from the *great* River *Merimack, on the North part*, (and from three Miles northward of the *said* River) towards the *Atlantick* Sea or Ocean, *on the South part.* And the subsequent Descriptions in their new Charter grant them all the Lands, extending *throughout the main Lands* there, *from the* Atlantick *or western Sea and Ocean, on the East part, towards the* South Sea, *or westward, as far as the Colonies of* Rhode Island, Connecticut *and the* Narraganset *Country.*

2. *How, and in what manner, that Line, when* begun, *shall run, and be* continued? *Whether one strait, continued West Line, or, a Line running all manner of different Courses?*

The next Matter in Order is, *how and in what manner,* that Line shall run, when the Place of Beginning is fix'd? *New Hampshire* all along insisted that it should run, on a *strait Line*, West, up into the main Land, towards the *South Sea*, until it meets with his Majesty's other Governments. The *Massachusets* thus far agreed thereto that they demanded that, by far the greatest part of, that Line should run *due West* to the *South Sea;* but then, *before such time as they begin that due West Course*, they insist to *follow* the River, (not only in its *western* Course, but also in its *northern* Course) with a *parallel Line*; which must of Consequence be in some parts three Miles *North*, in other parts three Miles *East*, and even in many places three Miles *South-East* of the River; then to run three Miles further, North of the *north End* of the River; *and then*, to *begin* their said due *western Course*, to run on, afterwards, towards the *South Sea.* — It might suffice, possibly, to have recourse only to the first Words of their new Charter, and to view the Commissioners Plan for the *several*

Courses of the River, to confute this very strange Demand of the *Massachusets;* for the Continent is esteemed to be at least 3000 Miles over (in that part) from the *Atlantick* Ocean, on the East part, to the *South Sea*, on the West part; and the Descriptions in their *new* Charter just mentioned direct their *northern* Bound to extend (from three Miles North of *Merimack*) *from* the *Atlantick* Ocean *towards* the *South Sea*. And as no *particular* Line or Course is described, it must of *necessity* be a strait Line, otherwise, if the Grantees, in such a Grant, were at liberty to take *any* Line whatsoever that they could invent, through such a vast depth of Continent and main Land, they might take a slanting Line, or a curved Line of any sort, expand and diverge their Boundaries, and include just as much Land as ever they thought proper, which cannot surely be contended for.

A LINE to run in the manner which the *Massachusets* contend, first near 30 Miles *West* up from the Sea-Coast into the Country, then 55 Miles *North*, within the Heart of the Country, and then again West to the South Sea, would take in *for the whole Depth of the Continent in America, and for* 55 *Miles in Breadth*, what had never been granted to them, and would require some one Expression or other in the Charter, (but which there is not) to ground such an extraordinary Demand upon.

THIS Line would not only cut off near two Thirds of Mr. *Mason's* Grant for *New Hampshire*, whereby his Tract was to extend 60 Miles deep into the Country (which Grant the *Massachusets* themselves gave in Evidence) and which Tract they would cut off at 26 Miles deep, (instead of 60) and leave to him but about one Third, and that of the *narrowest Part* of his Province also; (although Mr. *Mason's* Grant is *expressly excepted and saved*, in the *Massachusets* new Charter) but, besides the Injury thereby to be done to Mr. *Mason's* Grant, His Majesty would suffer infinite Prejudice thereby; for the Lands *on the Back* of Mr. *Mason's* Grant (which goes but 60 Miles deep) and also all those *on the Back* of the Province of *Maine* (which goes 120 Miles only deep into the Country) whether they are, or are not, properly a Part of His Majesty's Province of *New Hampshire*, or called by the *Name* of *New Hampshire*, or not, (which is a very immaterial Question) are most undoubtedly the Property and Inheritance of His Majesty, and have never been granted out by the Crown to any person whatsoever since the Great Council of *Plymouth* surrendred back their Charter to King *Charles* the 1st.

FOR, just as far as the *Massachusets* can break into *New Hampshire*, just so far they encroach upon the Crown Lands, the whole Depth of Country backward *behind* Mr. *Mason's* Grant, through all the vast Continent of main Land.

If a strait *Line is to be run the* Southern *Boundary is determined, only to correct the Surveyor's Mistake.*

In case their Lordships shall be of Opinion, that a *strait Line* is to run in that part, the Dispute (on that *southern* Boundary) will be thereby determined, and *New Hampshire* will only have then to pray, That the Surveyor's Mistake, in laying down a *West* and *by North* Line (which no body ever insisted on, nor did the Commissioners direct it) instead of a *West* Line (which both Parties insisted on, and which the Commissioners had, in case the Construction went one Way, directed) may be set right by their Lordships Report and by his Majesty's Judgment.

Objection. That the South Boundary of *New Hampshire* should be a crooked Line, drawn parallel with the River.

Answer. It is unconceivable that the *Massachusets* new Territory should have *two distinct and different Degrees of Width*, as for Instance, the first Degree of Width for near 30 Miles deep into the Country, to be of any particular Width whatever and then afterwards, behind that narrower Tract the Residue of their Tract to be 55 Miles wider. Yet this, as absurd as it appears, is absolutely contended for, by claiming a *crooked Line* to run *parallel* to the River, and by calling the *whole* River by the name of *Merimack*.

Again, throughout the whole new Charter it is impossible to find out any *eastern* Boundary for any part of the *Massachusets* new Province, but the *Atlantick* Ocean *singly and solely;* but, if the *Massachusets* Pretensions had any Colour in them, there must have been *two very different* eastern Boundaries for that Province; for one part of the *Massachusets* must have been described to be bounded, (as it is) to the *Atlantick* Ocean on the East; and then, the upper part of that Province (where they would have it grow so much wider) must have been bounded to the East *with the Land* in the heart and middle of the Province of *New Hampshire!* But nothing like that is to be found in the Charter.

Nor is this all: The new Charter (*subject to the Exceptions* therein afterwards contained) does most undoubtedly grant to the *Massachusets* 3 Miles Advantage beyond the *great* River *Merimack:* But how? It is 3 Miles *North* of that great River. But, in order to give the *Massachusets* what they contend for, and to allow them a crooked Line, *parallel* with what they call the River *Merimack*, there are these Difficulties to be encountred. 1. The River, near 200 Miles from its Mouth, must *still* be called the *great* River, 2. When that's got over, then the *Massachusets* must not only have 3 Miles *North* of it (which is all that the Charter mentions) but they must also have 3 Miles *North-east* of the River, 3 Miles *East* of the River, nay 3

Miles *South-east* of the River, in many Places; and if the Word *North* be not expounded so as to mean *all those different*, nay contradictory and *opposite* Points, the *Massachusets* cannot have that crooked Line *parallel* with the River, which they contend for.

Besides all which, *New Hampshire* insisted below before the Commissioners, and the Fact was so notorious upon the Spot, that the *Massachusets* never contradicted it, that it is *absolutely impossible* that a Line can be run 3 Miles *North* of the River, and *parallel with it*, (even in the most favourable parts of the River in general, where it runs in a general *western* Course:) And that Fact appears plain to Demonstration upon the Plan of the River as returned, but much more so upon the Spot, the Plan being in a very small Scale; for the River, (even in those parts) has many narrow Meanders and Bends or Bites, which shoot out into irregular Angles, so that *New Hampshire* most humbly relies on it, it is utterly and absolutely *impossible* in Art and Nature both, to run a Line in all Places *parallel* to the River, to be in every part 3 Miles distant from the River, and to be in no part more than 3 Miles distant from the River (without any Regard at all to its being North, or not North of the River, only with regard to its being a parallel and equidistant Line) even up by that part of the River, where generally it bears a western Course. And it is submitted, that the Crown has not exprest, nor could intend in its Charter, such a Line for the Boundary of a Province, as could not *possibly* be drawn, but on the contrary, a plain strait Line; which is practicable and natural, and must always be intended, unless some other or different Line is clearly exprest.

But the last Objection, strong as it is, is the least of the Objections to a crooked parallel Line, to be run in such manner as the *Massachusets* contend for it; that last Objection being confin'd only to the *great* and first part of the River, from the Sea up about 30 Miles, while the River *generally* runs a western Course; but, after that, when what is pretended to be called *Merimack* turns off, and does it self run a general *northern* Course, then, in those parts (besides all other Objections thereto, herein before mentioned) it seems quite incomprehensible how the *Massachusets* can form a Notion, of a *North* Boundary, by a *parallel* Line, to run all along parallel with the River, and at 3 Miles *distant* from the River, and to be North of that River, when the River itself is a Line that runs there generally *North!*

The *Massachusets*, to solve that Difficulty, would then have it be 3 Miles *North-east*, or *East*, or *South East*, from time to time, as occasion requires, in all that Length: But besides, that there are *no such Words* in the Charter, nor any thing like it, but quite otherwise,

such a parallel Line there, would cut off Mr. *Mason's* Grant (which was given in Evidence by the *Massachusets* themselves, and which was to extend 60 Miles deep into the Country, and which Grant was particularly excepted out of the new Charter to the *Massachusets*, even if it had been *within* their Bounds) a great way below the middle of it, and leave him only about one-third *in depth* of his Tract, and that in the *narrowest part also* of his Tract, nearest to the Sea; for then, at the Depth of 26 Miles only in the Country, the *Massachusets* would break in upon his Tract, and take away not only the back part, and greatly above half of what was granted to him, but also, which is of far more Consequence, all that vast Tract and Territory of his Majesty's Lands which lies behind Mr. *Mason's* Grant.

How far this Line shall extend in Length?

The only thing that remains (with regard to the *southern* Boundary of *New Hampshire*) is the *Massachusets* Appeal from that part of the Commissioners Judgment, where they directed the southern Boundary Line, (however it should run) to extend West toward the *South Sea*, *till it meets with his Majesty's other Governments.* — Whereas the *Massachusets now* insist it should run no further than 60 Miles, which they say is the Extent of *New Hampshire.*

In *their own Demands* filed before the Commissioners on the 8th of *August* 1737, they themselves *expressly demanded* that that Line should run quite *to the South Sea;* In their Answer filed before the Commissioners on the 11th of *August* they limited nothing of 60 Miles, but Speak of that Line as to run West towards the *South Sea.* The *New Hampshire* Demands filed before the Commissioners the 1st day of the same *August,* insisted that it should run westward to *the South Sea*, or, until it meet with his Majesty's other Governments, agreeable to the Words of the *Massachusets* Charter; and his Majesty's Commission directed the Commissioners to determine the respective Bounds of *both* Provinces; and although the *Massachusets* pretend to make a very immaterial Question, whether *New Hampshire* extends so far, yet they will readily admit, and it is most certainly true, that the *Massachusets* does extend (taken within its proper and due Limits) westward, until it meets with his Majesty's other Governments. — So that it's humbly hoped the Commissioners Determination (as to the *Extent* of the southern boundary Line) was very right.

As to the Northern Boundary of New Hampshire.

As to the *northern* Boundary, the Commissioners Judgment directs the dividing Line to pass up *the middle of* Piscataqua River and *through the middle of* Newichwannock River; but it's hoped that that is wrong: For, if recourse be had to the Grant from the Crown of the Province of *Maine*, made to

Sir *Ferdinando Gorges*, it will appear that no part of the *Rivers* were granted to him, but only *Main Land*, between the Rivers of *Piscataqua* and *Sagadahocke;* consequently if he did make any Conveyance to the *Massachusets*, (which has been pretended, though not proved) he could not convey to the old Colony of the *Massachusets* any part of either of those *Rivers* which he himself had no Title to. — And, upon looking into the new Charter to the Province of the *Massachusets*, where the Lands which made the Province of *Maine* are granted to them, it will appear that the *same Land* is again granted, in the *same Terms*, as a Portion of *main Land* between the said Rivers. — The *Massachusets* never possess'd, or claimed, the *River* itself, or any part of it, neither under their old or new Charter; nor, in their Demand filed before the Commissioners, did they demand half or any part of the *Rivers:* So that it's humbly hoped this part of the Commissioners Judgment, which in consequence adjudges *half of the Rivers* to the *Massachusets* without any Demand by, or any Title in, the *Massachusets* will be revers'd.

1. *Which gives* half the Rivers Piscataqua *and* Newichwannock *to the* Massachusets.

The next Matter in Order, is the *Massachusets* Appeal from that part of the Commissioners Judgment which directs *what Course* the Line, for the northern Boundary shall run, from the furthest Head of *Newichwannock*, after that River is at an end? — As to which, the original Grant of the Province of *Maine*, to Sir *Ferdinando Gorges* in 1639, directs that Line to run northwestward. — The new Charter in 1691, directs the self-same Course, in the very same Words — *New Hampshire*, by their Demand before the Commissioners, therefore insisted that that Line should run northwestward (as all Persons understand that Term) that is to say, North, *less than a quarter of a Point* westward. — But the *Massachusets* demanded, by their Claim, that it should be a Line *due Northwest*, and insisted before the Commissioners that that was *the same* as northwestward. — For which the Commissioners thought there was no colour; and therefore have adjudged that that Line should run, *North, two Degrees westerly*, which is known and esteem'd to be properly northwestward. And *New Hampshire* submitted thereto, having assigned a Reason to the Commissioners, (which was not contradicted) and which fortified that natural Exposition of the Term northwestward, for that, a Line, *due North-West, or South East*, from *Piscataqua* Harbour's Mouth, would run out so as to include and give *New Hampshire the whole* of the Isles of Shoals, whereas that province is entitled only to the *half* of those Isles; and accordingly but half of those Isles was adjudged to each respective Province; wherefore it's

2. *As to the* Course *which the Line is to run there, when* Newichwannock *River determines.*

humbly hoped this part of the Commissioners Judgment is right and shall be confirmed.

3. *How far that Line shall extend.* THE last Point appealed from by the *Massachusets* is, for that the Commissioners Judgment directs, that the last mentioned Line shall run and extend *too far*, for that it ought to go only to the End of 120 Miles.

As to which, the original Grant in 1639 of the Province of *Maine* directs that Boundary to extend until 120 Miles be finish'd from *Piscataqua* Harbour. — The new Charter to the *Massachusets* in 1691, directs the self-same thing, in the same Words. — *New Hampshire*, by their Demand before the Commissioners, claimed that that Line should run as far as the *British* Dominion extends. — The *Massachusets* by their Demand, insisted that the Line should run *till* 120 *Miles were finish'd.* — And the Commissioners have directed that it shall run 120 Miles, *or*, until it meets with his Majesty's other Governments. — And as it is by no means certain that they can run so far as 120 Miles, on that particular Course, before they meet with the *French* Settlements in that Place, that cautious manner of Expression used by the Commissioners (and which rather *restrains* than *enlarges* the Distance that the *Massachusets* themselves demanded) can, it is hoped, be of no ill Consequence; nor does not infer that the Line shall run *any more* than 120 Miles; and even if it did run further than 120 Miles, it would be useful to prevent the *Massachusets* encroaching upon the Crown-Lands *there;* there being no *English* Settlements in those Parts at present, to prevent them.

As to the Division of the *Isles of Shoals*, and the equal bearing the Charges of the Commission and Execution thereof, there is no Appeal made by either Party; wherefore it was the rather hoped that the *Massachusets* would have paid their Moiety of the Money laid out for them in *London* near three Years ago for suing out the Commission here, but they still refuse to pay it.

What New Hampshire *prays.* AND now, upon the whole Merits referr'd to, and in Judgment before, their Lordships, the Province of *New Hampshire* most humbly prays,

THAT their Lordships will be pleased to report,

THAT *all the Lands lying to the northward of* Merimack River, which were granted by the Charter of King *Charles* I, to the late Colony of the *Massachusets Bay*, *are not* granted to the present Province of the *Massachusets Bay* by the Charter of King *William* and Queen *Mary*.

AND that for the *southern* Boundary of *New Hampshire*, a dividing Line shall *begin* at 3 *English* Miles North from Low-water-mark of the southern Point of the northern Cape or Entrance, at the very

Mouth of *Merimack* River, next to the *Atlantick* Sea or Ocean, and may run directly up into the Country, *upon a Course*, not West and by North, (as the Surveyor by mistake has laid down the same, contrary to both Parties Claims, and the Commissioners Determination) but West, without any Variation ; and that such a Line *may* run and *extend so far*, towards the *South Sea*, until it meets with His Majesty's other Governments, in manner as the *red* Line for that Purpose is *begun* to be drawn on the printed Copy of the Commissioners Plan, (that Plan not allowing room enough to continue the whole Length of such Line.)

And that, for the *other* Boundary of *New Hampshire*, the dividing Line shall *begin* at the Entrance of *Piscataqua* Harbour, and so to pass up the same into the River of *Newichwannock*, and through the same to the farthest Head thereof, and from thence North *two Degrees westerly*, until 120 Miles be finish'd, from the Mouth of *Piscataqua* Harbour aforesaid ; *or* until it meets with his Majesty's other Governments ; in manner as the other red Line for that Purpose is *begun* to be drawn, on the printed Copy of the Commissioners Plan, (which Plan, as sent over, does not admit of marking out the whole Length of either of those Lines) *but not to grant any part of either of those Rivers to the* Massachusets.

And that, as to the *Isles of Shoals*, and the Division thereof, the Commissioners Judgment may be *affirm'd*.

The Province of *New Hampshire* further most humbly prays, that several Copies of the Commissioners Plan may be mark'd by proper Artists, before their Lordships, agreeable to their Lordships Judgment.

And that some such Copies may be preserved in the Council Office, and in the Plantation Office, and that others of such Copies, to be attested by the Clerk of the Council, may be delivered out to the respective Agents.

And that their Lordships will be pleased to put this Matter into the most safe Method to have the Lines actually run out, and Trees and other Boundaries mark'd really according to the Determination to be made, so as to end this *very long subsisting* Controversy.

With all proper Directions for the *impartial* and *speedy* executing and obeying His Majesty's Orders. And,

With Reservation to either Party, to represent to His Majesty in Council, (in case the said Bounds should not be mark'd out exactly agreeable to His Majesty's Royal Determination.)

New *Hampshire* likewise prays their Lordships, that the *Massachusets* may not only be condemned to pay their Share of the Costs of suing out the said Commission (as they were before ordered to do)

but also *Costs* in some measure adequate to the great Expence and Trouble which their repeated Oppositions have put the Province of *New Hampshire* to.

HUMBLY submitting it to their Lordships Wisdom to provide for the Support of his Majesty's Authority, and for the securing his Lands from being any further encroached upon by the Province of the *Massachusets*.

D. Ryder.
W. Murray.

[ENDORSED]

THE CASE

OF HIS MAJESTY'S PROVINCE OF

NEW HAMPSHIRE.

upon two APPEALS

Relating to the Boundaries between that Province and the Province of the *Massachusets Bay*.

To be heard before the Right Honourable the Lords of the Committee of his Majesty's Most Honourable Privy-Council for hearing APPEALS from the *Plantations*, at the Council-Chamber at *Whitehall*.

Wednesday 5th March 1739. at 6, in the Evening & again on 10th March —

Ord[d] and adjudged —

That the Northern Boundarys of the Province of the Massachusets Bay are and be a Similar Curve Line pursuing the Course of Merrimack River at three Miles Distance on the North side thereof beginning at the Atlantick Ocean and ending at a Point due North of a Place in the Plan returned by the Commiss[rs] called Pantucket Falls and a Strait Line drawn from thence due West cross the said River till it meets with His Majestys other Governm[ts] And it is further Ordered that the rest of the Commiss[rs] Report or Determination be Affirmed —

[The date of hearing and judgment above given, appear in manuscript on the original.]

Massachusets Bay and New Hampshire.

The CASE *of His Majesty's Province of the* Massachusetts Bay, *touching the Dispute between that Province and His Majesty's Province of* New Hampshire, *in relation to their Boundaries on the Settlement thereof made by Commissioners appointed for that Purpose, and on Cross Appeals therefrom.*

KING *James* the First, by his Charter of this Date, grants to the Council, established at *Plymouth*, for the Planting, Ruling, Ordering and Governing of *New England* in *America*, and to their Successors and Assigns,

3 Nov. 18 Jac. 1 Charter to Council of Plymouth.

"All that Part of *America* lying and being in Breadth, from 40 "Degrees of Northerly Latitude from the Equinoctial Line to the "48th Degree of the said Northerly Latitude inclusively, and in "Length of and within all the Breadth aforesaid, throughout all the "main Lands from Sea to Sea, together also with all the firm Lands, "Soils, Grounds, Havens, Ports, Rivers, *&c.*

The said Council of *Plymouth*, by Indenture of this Date, granted to Sir *Henry Roswell*, and several others in Fee,

19 Mar. 3 Car. 1. Anno 1627. Grant from Council of Plymouth to Sir Henry Roswell, and others.

"All that part of *New England* which lies and ex- "tends between a great River there, commonly called "*Monomack*, alias *Merrimack* River, and a certain other River there "called *Charles* River, being in the Bottom of a certain Bay there "commonly called *Massachusetts Bay* ; and also all and singular those "Lands and Hereditaments whatsoever, lying within the Space of "three *English* Miles on the South Part of the said *Charles* River, "or of any and every Part thereof ; and also all and singular the "Lands and Hereditaments whatsoever lying and being within the "Space of three *English* Miles to the Southward of the most "Southermost Part of the said Bay, called the *Massachusetts Bay* ; "and also all those Lands and Hereditaments whatsoever, which "lie and be within the Space of three *English* Miles to the North- "ward of the said River called *Monomack*, alias *Merrimack* River, "or to the Northward of any and every Part thereof ; and all Lands "and Hereditaments whatsoever lying within the Limits aforesaid "North and South in Latitude, and in Breadth and in Length and "Longitude of and within all the Breadth aforesaid, throughout the "main Lands there, from the *Atlantick* and Western Sea and Ocean "on the East Part, to the South Sea on the West Part, and all Lands, "Places, Soils, Woods, Havens, Rivers, *&c.* lying within the said "Bounds and Limits, and every Part and Parcel thereof."

King *Charles* the First, by his Letters Patent of this Date, did grant and confirm unto the said Sir *Henry Roswell* and others, their Heirs and Assigns,

4 Mar. 4 Car. 1 1628. Grant to Sir Henry Roswell, and others, from the Crown.

All the said Part of *New England* lying and extending

between the Bounds and Limits in the said Indenture expressed, and which Letters Patent of King *Charles* the First contain a Grant of the said Part of *New England*, by the very same Descriptions and Boundaries as are expressed in the said recited Indenture.

And for the better Management and Ordering of the Affairs and Business which should be from time to time concerning the said Lands, and the Plantation of the same, King *Charles* the First, by the same Letters Patent, did create and make the said Sir *Henry Roswell*, and his Associates, and such others as should be thereafter admitted free of the said Company and Society, one Body Corporate and Politick, by the Name of *The Governour and Company of the* Massachusetts Bay *in* New England; and granted them and their Successors divers Powers, Liberties, and Privileges.

The said Governor and Company of the *Massachusetts Bay* in *New England*, by virtue of the said Letters Patent, settled a Colony of *English* in the said Tract of Land; and divers good Subjects, encouraged and invited by the said Letters Patent, did transport themselves and their Effects into the same; whereby the said Plantations became very populous, and divers Counties, Towns and Places were created, erected, made and set forth or designed, within the said Parts of *America*, by the said Governor and Company for the Time being.

17 May 1629. Grant from the Indian Princes to the Massachusetts Bay.

The *Indian* Princes, to strengthen themselves against their Enemies the *Terratines*, by receiving the *English* among them, bargain and sell to *John Wheelwright* and others of the *Massachusetts Bay*, their Heirs and Assigns,

All that Part of the main Land between the Rivers of *Merrimack* and *Piscataqua* thus described, *viz.* "At the End of 20 Miles "North-west from *Pantucket Falls*, to begin and run a North-east "Line till it intersect those two Rivers, and those two Rivers to be "the Bounds of it from that Head Line to the Sea."

All which Land they then supposed to be included in the Colony of the *Massachusetts Bay* by an East and West Line drawn three Miles Northward of the Head of *Merrimack* River.

7 Nov. 1629. Grant from the Council of Plymouth to Mason of what was then called New Hampshire.

The Council of *Plymouth* granted to Capt. *John Mason*, and his Heirs,

"All that Part of the main Land between the Middle of "*Merrimack River*, and the Middle of *Piscataqua* River, "from the Mouth of *Piscataqua* River to the Head of it, "and from thence North-westward till 60 Miles be finished from the "first Entrance of *Piscataqua* River, and from the Mouth of *Merri-* "*mack* to the Head of it, and from thence Westward till 60 Miles be "finished, and the Head Line to cross over from thence to the End "of the 60 Miles from the Mouth of *Piscataqua* River."

Which Portion of Land the said Capt. *John Mason*, with the Consent of the Council of *Plymouth*, named *New Hampshire*.

King *Charles* the First, by his Letters Patent, granted to Sir *Ferdinando Gorges*,

3 April 1639. Grant from Charles I. to Sir Ferdinando Gorges of the Province of Maine.

"All that Part of *New England* (which was then called "the Province of *Maine*) beginning at the Entrance of "*Piscataqua* Harbour, passing up the River to the Head "of *Newichwannock*, and thence North-westward till 120 Miles be "finished, and from *Piscataqua* Harbour's Mouth North-eastward "along the Sea Coasts to *Sagadohock*, and up the River to the Head "of *Kennebeck*, and into the Land North-westward till 120 Miles be "ended from the Mouth of *Sagadohock*, and from the Period of that "120 Miles to cross over Land to the 120 Miles reckoned up into the "Land from *Piscataqua* Harbour through *Newichwannock*, and the "North half of the Isle of *Sholes*."

Note, This Tract of Land was afterwards, by the Charter of King *William* and Queen *Mary*, incorporated into the Province of the *Massachusetts Bay*.

The Province of the *Massachusetts Bay* apprehending the whole of the Lands contained in these two Grants to *Mason* and *Gorges* was included in their Grant, and divers Disputes having arose between the said Province of the *Massachusetts Bay* and Mr. *Gorges* and Mr. *Mason*;

The said *Gorges* and *Mason* applied by Petition to the King n Council to have the said Disputes touching the Boundaries determined; which Petition, on the 7th of *February* 1677. was referred to the then Lords of the Committee, with Directions to enter into the Examination of the Bounds and Limits, which the Province of the *Massachusetts Bay* on the one hand, and the said *Gorges* and *Mason* on the other, did pretend, by their several Grants and Patents, to have been assigned to them; and also to examine into the Charters which were insisted on by either Side, in order to find out and settle how far the Rights of Soil or Government belonged to any of them: In the Consideration whereof, the then Lords Chief Justices *Rainsford* and *North* were appointed to give their Lordships of the Committee their Assistance.

The Lords of the Committee, with the two Chief Justices, having heard both Parties by their Council, recommended it to the said Chief Justices to receive a State of the Claims made by both Parties, and to return their Opinion on the whole Matter to their Lordships; and accordingly,

The Chief Justices reported, That they had heard all Parties, and that the Respondents had disclaimed Title to the Lands claimed by the

Petitioners; and it appearing to them, that the said Lands were in Possession of several other Persons not before 'em, they thought not fit to examine any Claims to the said Lands, it being in their Opinion improper to judge of any Title of Land without Hearing of the Tertenants, or some other Person on their Behalf; and if there were any Courts of Justice upon the Place, having Jurisdiction, they esteemed it most proper to direct the Parties to have recourse thither in the Decision of any Question of Property, until it should appear, that there was just Cause of Complaint against the Courts of Justice there for Injustice or Grievance.

That they had examined the several Claims of the Parties to the Government. And the Petitioners having waved the Pretence of a Grant of Government from the Council of *Plymouth*, the Question was reduced to the Province of *Maine*, whereto the Petitioner *Gorges* made his Title by the said Grant, 15 *Car.* I. to Sir *Ferdinando Gorges*, and his Heirs, of the Province of *Maine*, and the Government thereof. In Answer to which, the *Massachusetts Bay* insisted, That the Government had been long before, *viz.* by the said Letters Patent, 4 *Car.* I. granted to them. To which it was reply'd, That this Patent, 4 *Car.* I. was invalid, 1st, Because the said preceding Grant, 18 *Jac.* of the same thing, was then in being, but was surrendered afterwards, and before the Date of the said Grant, 15 *Car.* I. 2dly, For that the Grant of the Government could extend no further than the Ownership of the Soil, the Boundaries of which, as recited in that Patent, wholly excluded the Province of *Maine*, which lay Northward *more than* three Miles beyond *Merrimack* River.

And they having considered hereof, conceived,

As to the first Matter, That the Patent, 4 *Car.* I. was good, notwithstanding the said Grant made 18 *Jac.* For it appeared to them, by the Recitals in the Patent, 4 *Car.* I. That the Council of *Plymouth* had granted away all their Interest in the Land the Year before; and it must be presumed they then deserted the Government. Whereupon it was lawful and necessary for the King to establish a suitable Frame of Government, according to his Royal Wisdom, which was done by the said Grant, 4 *Car.* I. and then the Report goes on in the Words following:

"As to the second Matter, it seems to us to be very clear, that the "Grant of the Government, 4 *Car.* I. extends no further than the "Boundaries expressed in the Patent, and those Boundaries cannot "be construed to extend further Northward *along* the River *Merri-*"*mack*, than three *English* Miles; for the North and South Bounds "of the Lands granted, *so far as the River extends, are to follow the* "*Course of the River*, which makes the Breadth of the Grant. The

"Words describing the Length to comprehend all the Lands from "the *Atlantick Ocean* to the *South Sea*, of and in all the Breadth "aforesaid, do not warrant *the Over-reaching of those Bounds by im-* "*aginary Lines or Bounds:* Other Exposition would, in our humble "Opinion, be *unreasonable, and against the Intent of the Grant.*

"The Words *of and in all the Breadth aforesaid,* shew, that the "Breadth was not intended an imaginary Line of Breadth laid upon "the broadest Part, *but the Breadth respecting the Continuance of the* "*Boundaries by the Rivers, as far as the Rivers go;* but when the "known Boundary of Breadth determines, it must be carried on by "imaginary Lines to the *South Sea.*

"And if the Province of *Maine* lies more Northerly *than three* "English *Miles from the River* Merrimack, the Patent 4 *Car.* I. "gives no Right to govern there; and thereupon the Patent of the "same 15 *Car.* I. to the Petitioner *Gorges* will be valid.

"So that, upon the whole Matter, we are humbly of Opinion, as to "the Power of Government, that the Respondents the *Massachusets*, "and their Successors, by their Patent of 4 *March,* 4 *Car.* I. have "such Right of Government as is granted them by the same Patent "within the Boundaries of their Lands expressed therein, according "to such Description and Exposition as we have thereof made as "aforesaid; and the Petitioner Sir *Ferdinando Gorges,* his Heirs and "Assigns, by the Patent 3 *April,* 15 *Car.* I. have such Right of Gov- "ernment as is granted them by the same Patent within the Lands "called the Province of *Maine,* according to the Boundaries of the "same expressed in the same Patent."

And the Lords of the Committee entirely agreeing in Opinion with the said two Chief Justices, they submitted the same to his Majesty for his Determination thereon; and

20 July 1677. Order in Council thereon.

The said Report was taken into his Majesty's Consideration in Council, and both Sides were again heard before his Majesty in Council, when the said Report was approved of and confirmed by his Majesty, and all Parties were ordered to acquiesce therein, and contribute what lay in them to the punctual and due Performance of the said Report, as there should be Occasion.

Note, Upon this Hearing, the Agents for the *Massachusetts Bay* insisted, That by their Grant they were bounded between two East and West parallel Lines, drawn one from the most Southerly Part of *Charles* River, and the other from the most Northerly Part of *Merrimack* River, with three Miles Advantage upon each, and reaching from Sea to Sea, and could not be intended to be bounded by so many hundred Lines as the River *Merrimack* makes Bends and An-

gles in 200 Miles Passage from *Winnipisiokee* Pond to the Mouth of the River; but in this they were clearly mistaken; for such Line could never answer the Words of their Charter, which limited them by the Courses of the River; and as to the Lands Northward of *Merrimack*, to those only that were within three Miles of it; and therefore, when their Bounds came in Judgment before the King in Council, he accordingly determined, That the Boundaries of the *Massachusetts* could not be construed to extend further Northward along the River *Merrimack*, than three *English* Miles; for the North and South Bounds of the Lands granted, so far as the Rivers extend, were to follow the Course of the Rivers.

In this Determination, so very solemnly made, the Province of the *Massachusetts Bay*, in *May* 1678. signified their entire Satisfaction, and afterwards, in 1679. passed an Act of Assembly, vacating such Grants as they had made beyond the three Miles North of *Merrimack* River; and they have always since, and still do acquiesce therein, and so likewise did the Province of *New Hampshire*, till some few Years since, when they attempted to make many and great Encroachments within the Boundaries of the *Massachusetts Bay*, according to the said Royal Determination thereof, as is hereafter stated.

Upon this solemn judicial Determination, and within two years after it, *viz.*

Anno 1679. His then Majesty King *Charles* the Second took all that Part of the main Land in *New England* then and since known by the Name of *New Hampshire*, into his own immediate Government. And,

18 Sep. 31 Car. II. Commission constituting the Government of New Hampshire. By Letters Patent of this Date, commissioned a President and Council to take upon them the Government of the said Province. In which Commission, the Opinion of the said Chief Justices is mentioned, and the said Province of *New Hampshire* is described as lying and extending from three Miles northward of *Merrimack* River, or any Part thereof, unto the Province of *Maine*, and which is in another Part of the said Commission called the *three Mile Line*.

And the King thereby declares, That the Government of the said Province of *New Hampshire* so limited and bounded had never been yet granted; and therefore he thereby creates and gives the Power of Government over the same to the said President and Council.

And in this Commission his Majesty further declares, That *Mason's* Ancestors had obtained a Grant of the Soil of the said Tract; but that his Majesty, by his said Settlement in 1677. had adjudged three Miles North of *Merrimack*, and every Part thereof, as the River ran, to belong to the *Massachusetts;* agreeable to which De-

termination, his Majesty by this Commission, cuts off the said three Mile Tract from *Mason's* Grant, and makes his said new Government to correspond and agree with the said Settlement.

And this Commission, two Years after the said Settlement in 1677. and when the Matter was fresh in Memory, the *Massachusetts* insist was that which created a Government, and is the only Foundation upon which that Province must stand, unless they can shew any Addition to their Bounds and Limits by some new Grant from the Crown, which they have never pretended; so that this Commission may not improperly be considered as the Charter of *New Hampshire*.

In *Trinity* Term, 36 *Car.* II. the said Charter, 4 *Car.* I. was vacated by Judgment in Chancery on a *Scire Facias* brought for that Purpose.

36 Car. II. 1684. Charter 4 Car. I. vacated.

Upon the Revolution, the Province of the *Massachusetts Bay*, by their Agents, applied to their Majesties King *William* and Queen *Mary* for a new Charter of Incorporation; which their Majesties were graciously pleased to comply with; And,

King *William* and Queen *Mary* granted a Charter to the Province of the *Massachusetts Bay*, which reciting the said Charter, 18 *Jac.* I. to the Council of *Plymouth*, and the said Grant of 19 *March*, 3 *Car.* I. from the Council of *Plymouth*, and also the said Charter from the Crown, 4 *Car.* I. to Sir *Henry Roswell*, and others; and also reciting the said Judgment by *Scire Facias* for vacating the said Charter 4 *Car.* I. and that the Agents of the *Massachusetts Bay* had applied to their said Majesties for their Charter of Incorporation, and that their Majesties were graciously pleased to gratify their said Subjects; and also, to the end their Subjects within the Colony of *New Plymouth* in *New England* might be brought under such a Form of Government as might put them in a better Condition of Defence; and considering as well the Granting unto them, *as to the said Colony of the* Massachusetts Bay, a Charter of Incorporation, with reasonable Powers and Privileges, would much tend, not only to the Safety, but to the flourishing Estate of their Subjects in the said Parts of *New England*, and also to the advancing of the Ends for which the said Plantations were at first encouraged;

7 Oct. 1691. Charter 3 William and Mary to the Massachusetts Bay.

Their said Majesties King *William* and Queen *Mary*, by their said Letters Patent, ordain, That the Territories and Colonies commonly called or known by the Name of the Colony of the *Massachusetts Bay*, and Colony of *New Plymouth*, the Province of *Maine*, the Territory called *Accada* or *Nova Scotia*, and all that Tract of Land lying between the said Territory of *Nova Scotia* and the said Province of *Maine*, be erected, united, and incorporated into one real Province, by the Name of the Province of the *Massachusetts Bay* in *New England*.

And their said Majesties, by the said Letters Patent, do give and grant unto the Inhabitants of the said Province of the *Massachusetts Bay*, and their Successors for ever,

Bounds.

"All that Part of *New England* in *America* lying and "extending from the great River commonly called *Mono-* "*mack* alias *Merrimack*, on the North Part; *and from three Miles* "*Northward of the said River* to the *Atlantick* or Western Sea or "Ocean, on the South Part; and all the Lands and Hereditaments "whatsoever lying within the Limits aforesaid, and extending as far "as the outermost Points or Promontories of Land call'd Cape *Cod*, "and Cape *Mallabor* North and South, and in Latitude, Breadth, and "in Length and Longitude of and within all the Breadth and Com- "pass aforesaid throughout the main Land there, from the said *At-* "*lantick* or Western Sea and Ocean on the East Part towards the "South Sea, or Westward as far as the Colonies of *Rhode-Island*, *Con-* "*necticutt*, and the *Narragansett* Country; and also all that Part and "Portion of main Land beginning at the Entrance of *Piscataway* "Harbour, and so to pass up the same into the River of *Newichwan-* "*nock*, and through the same into the furthest Head thereof, and "from thence North-westward till 120 Miles be finished, and from "*Piscataway* Harbour-Mouth aforesaid North-eastward along the Sea "Coast to *Sagadohock*, and from the Period of 120 Miles aforesaid to "cross over Land to the 120 Miles before reckoned, up into the Land "from *Piscataway* Harbour through *Newichwannock* River; and also "the North Half of the Isles of *Sholes*, together with the Isles of *Capa-* "*wock* and *Nantuckett* near Cape *Cod* aforesaid; and also the Lands "and Hereditaments lying and being in the Country or Territory "commonly called *Accada* or *Nova Scotia*, and all those Lands and "Hereditaments lying and extending between the said Country or "Territory of *Nova Scotia*, and the said River of *Sagadohock*, or any "Part thereof; and all Lands, Grounds, Places, Soils, Woods and "Wood-Grounds, Havens, Ports, Rivers, Waters, and other Heredi- "taments and Premises whatsoever lying within the said Bounds and "Limits aforesaid, and every Part and Parcel thereof; and also all "Islands and Islets lying within 10 Leagues directly opposite to the "main Land within the said Bounds; and all Mines, *&c.*"

Provision that at least 18 of the 28 Counsellors are Proprietors of Lands in the Territory formerly called the Colony of the Massachusetts Bay.

And by the said Charter it is directed, That the Governor is to have 28 Counsellors or Assistants, who are to be elected annually by the General Court; *viz.* 18 *at least of the Inhabitants of, or Proprietors of Lands within the Territory formerly called the Colony of the* Massachusetts Bay; and 4 at least of the Inhabitants of, or Proprietors within the Territory formerly called *New Plymouth*; and 3 at least of the

Inhabitants of, or Proprietors of Land within the Territory formerly called the Province of *Maine*; and 1 at the least of the Inhabitants of, or Proprietors of Land within the Territory lying between the River of *Sagadohock* and *Nova Scotia*; of whom seven, with the Governor, to be a *Quorum*.

Power to grant Lands within the Bounds of the Colonies formerly called the Massachusetts Bay, &c.

And there is Power in the said Charter given to the said Governor, *to make or pass any Grants of Lands* LYING WITHIN THE BOUNDS *of the Colonies formerly called the Colonies of the* Massachusetts Bay *and* New Plymouth, *and Province of* Maine, *in such manner as heretofore they might have done by virtue of any former Charter or Letters Patent:* Which Grants of Lands their said Majesties, by their said Letters Patent, will and ordain, to be and continue for ever of full Force and Effect, without their further Approbation or Consent.

But Grants of Lands between *Sagadohock* and *St. Laurence* Rivers (which no-ways concern the present Boundaries in Question) are to have the Royal Approbation.

The Provinces of the *Massachusetts Bay* and *New Hampshire* have, ever since the granting this last Charter, been under the Government of one and the same Person, but under different Commissions; and in all the several Commissions for the Government of *New Hampshire*, from that time to this; (the present Governor *Belcher's* only excepted, which mentions no Boundaries) *viz.* 4 *William* and *Mary*, to *Samuel Allen*, Esq; 9 *William*, to the Earl of *Belmont;* 1 *Anne*, to *Joseph Dudley*, Esq; 12 *Anne*, to Governor *Burgess;* 2 *George* I. to Governor *Shute;* 1 *George* II. to Governor *Burnett;* *New Hampshire* is described in the following manner; *viz.*

Description of New Hampshire in their own Commissions.

"All that Part of our Province of *New Hampshire* with-
"in our Dominion of *New England* in *America*, lying
"and extending itself *from* 3 *Miles Northward* of *Merri-*
"*mack* River, *or any Part thereof*, unto the Province of
"*Maine*, with the South Part of the Isle of *Sholes*."

And about five Years after the granting this last Charter; *viz.*

23 July 1695. New Hampshire Line run, and the Plan thereof filed among their Records.

The Governor and Council of *New Hampshire* caused their Boundary Line to be run from the *Atlantick* Ocean three Miles Northward of *Merrimack* River, parallel with the River so far as they had any Settlements near it, and filed the Plan thereof among their publick Records.

Note, The *Massachusetts Bay* offered and insisted to produce this Plan before the Commissioners, but they rejected it; of which the *Massachusetts* have complained, and insist on their Right of producing the same on these Appeals.

Notwithstanding the said Royal Determination by the said Order in Council in 1677, and the said repeated Confirmations thereof by the

Acts and Commissions of the Crown, passed in every Reign since, and every one of which was passed in the most solemn manner, having been all prepared by his Majesty's Attorney and Solicitor General, and having received the previous Approbation of the Board of Trade and Committee of Council; and notwithstanding the Governor and Council of *New Hampshire* had themselves run their own Boundary Line agreeable to the said Royal Determinations, and actually filed the Plan thereof in their publick Records; yet some of the Inhabitants of the Province of *New Hampshire*, whose Estates lay contiguous to the Boundaries of the Province of the *Massachusetts Bay*, were willing to inlarge the same by making Incroachments on the Lands belonging to the Province of the *Massachusetts Bay;* and several Disputes having arose between the two Provinces touching their Boundaries, and the Assemblies of each Province not being able to agree the Matter amongst themselves,

Anno 1737. Mr. Rindge's Petition to have the Boundaries of New Hampshire ascertained.

The House of Representatives of *New Hampshire*, by Mr. *Rindge* their Agent, applied by Petition to his Majesty in Council, praying his Majesty by his own Royal Determination, to declare and ascertain the several Boundaries of the said Province of *New Hampshire;* and after several Litigations between the Agent of the Province of the *Massachusetts Bay* and the Agent of the House of Representatives of *New Hampshire;* pursuant to his Majesty's Order in Council,

9 April 1737, Commission to settle Bounds.

A Commission issued under the Great Seal of *Great Britain*, directed to certain Commissioners therein named, for settling the Bounds between the two Provinces.

By which Commission the Commissioners were directed to hold their first meeting on the 1st of *August* 1737, at *Hampton* in *New Hampshire;* and it was by the said Commission (*inter alia*) directed, That in case either of the said two Provinces should neglect to send to the Commissioners at their first Meeting the Names and Places of Abode of two of their publick Officers residing in their respective Provinces, on whom any Notices, Summons, or final Judgment of the said Commissioners might be served; and in case either of the said two Provinces should also neglect to send to the said Commissioners at their first Meeting, a plain and full State of their Demands or Pretensions in Writing, describing where and in what Places the Boundaries on the Southern and Northern Part of *New Hampshire* ought to begin, and what Courses and how far the same ought to run respectively, to the end that Copies thereof might be mutually exchanged, in order to prevent any unnecessary Delay; and that each Party might come fully prepared, the Commissioners should proceed *ex parte.*

And Entries were directed to be made of all Papers, Evidences, Deeds, Charters, and Proofs received by the Commissioners, and of all their Proceedings throughout; and Plans or Draughts of such Boundary Lines as should be agreed upon by the Commissioners, were directed to be annexed to the said Commissioners Return, and make Part thereof.

And a Copy of their final Determination was directed to be sent to such publick Officers of each Province, as likewise Notice of another Meeting at the Distance of six Weeks, or at such further reasonable time as the Commissioners should appoint, not exceeding three Calendar Months, when either of the said Provinces who should apprehend themselves aggrieved, might enter their Appeal to his Majesty in Council, with a Declaration what Parts of the Determination of the Commissioners they abided by, or appealed from: But if neither of the said Provinces should enter their Appeal or Exception against the Commissioners Determination at such last Meeting, then no Appeal or Exception was afterwards to be received or admitted; and such Determination of the Commissioners being confirmed by his Majesty, was to be final and conclusive.

1 Aug. 1737. Commissioners first Meeting.

The Commissioners met, and opened their Commission, when a Committee of eight Gentlemen appointed by the General Court of the Province of *New Hampshire* appeared and laid before the Commissioners a Vote of the General Court of that Province, passed by the General Assembly 1 *April* 1737. appointing them a Committee to attend the Commissioners his Majesty had or might appoint to mark out the Boundaries between the said Provinces, and to provide Witnesses, Pleas and Allegations, Papers and Records, to be presented and laid before the said Commissioners in that Affair, and to provide for the Reception and Entertainment of the Commissioners, any five of the said Committee to be a *Quorum*, with an Order upon their Treasurer to supply the said Committee with such Money as might be needful or necessary in that Affair.

And the *New Hampshire* Committee then laid before the Commissioners in Writing, the Names of two publick Officers on whom the Commissioners Summons or final Judgment might be served, until further Order made by their General Court, which was not then sitting.

State of New Hampshire Demands.

And then the said *New Hampshire* Committee laid before the Commissioners a State of the Demands of that Province with respect to the Boundaries, whereby (after taking Notice, "That *New Hampshire* is a *small* Province, lying "principally *between that which was formerly the Colony of the* Mas-

"sachusetts Bay, *and that Tract of Land called then the Province of* "Maine, *which are now incorporated into one Province by the Charter* "*of* William *and* Mary, dated 20 *Octob.* 1691.") they insisted, That the Southern Boundary of their Province should begin at the End of three Miles North from the Middle of the Channel of *Merrimack* River, where it runs into the *Atlantick* Ocean, and from thence should run on a strait Line West up into the main Land towards the South Sea, till it met with his Majesty's other Governments; and that their Northern Boundary should begin at the Entrance of *Piscataway* Harbour, and so pass up the same into the River *Newichwannock*, and through the same into the furthest Head thereof, and from thence North-westward (that is, North less than a Quarter of a Point Westerly) as far as the *British* Dominion extends.

With respect to their Southern Boundary.

With respect to their Northern Boundary.

Same Day. Two of the Council of the Province of the *Massachusetts Bay*, laid before the Commissioners a Vote of the General Court of their Province, passed by the General Assembly 4 *July* 1737, mentioning the Names and Places of Abode of two publick Officers on Behalf of that Province, on whom any Notices, Summons, or other Process of the Commissioners, might be served; and then laid before the Commissioners a Letter from the Secretary of that Province, acquainting the Commissioners by the Command of the Governor and Council of the Province, That at the time of the rising of the General Assembly in *Boston*, there was no Account of the Commission being arrived, or so much as issued; and that the Assembly had been prorogued to the 4th of *August*, which happened to be three Days after the first Day of the intended Meeting of the Commissioners; that the Assembly, before they rose, appointed a Committee to draw a State of the Case respecting the disputed Boundaries, in order to the Court's preparing a State of their Demands agreeable to his Majesty's Directions, which the Court would at their first Meeting have ready to lay before the Commissioners without any Delay; and therefore the Governor and Council desired the Commissioners would not suffer the Province to receive such a Prejudice by this short Delay, as would be the Consequence of their Proceeding decisively without receiving their Demand; and that they the rather expected this Justice from the Commissioners, because they could not conceive, that by the first Meeting in the Commission any thing else could be intended than their first Session, wherein no long Adjournment should intervene, it not being said the first Day of their Meeting, and in regard *New Hampshire* had not specified the Place of Abode of the two Officers nominated on their Behalf, nor where the Persons nominated by the Council and Assembly of

New Hampshire lived, which they apprehended to be as essential Defects according to the (strict Words of the) Commission, as the not giving in a State of the Demand, since that ought to be previous to this; and therefore *New Hampshire* could not (in this Construction of the Charter) give in a State of their Demands, nor have 'em considered till the other Article was complied with; but upon the Whole, they doubted not but the *Massachusetts* Province would have equal Justice from the Commissioners with *New Hampshire.*

2 Aug. 1737. The Committee for *New Hampshire* presented a long Remonstrance to the Commissioners in Writing, suggesting that the Government of the *Massachusetts* had disobeyed his Majesty's Commission in not being prepared with a full State of their Demands against the opening of the Commission to lay before the Commissioners, and that the *Massachusetts* had delayed the Matter; and the said *New Hampshire* Committee therefore, in Behalf of *New Hampshire,* excepted against any Claim or Demand of the *Massachusetts* being received by the Commissioners, and protested against their putting in and laying before the Commissioners any Evidence of any kind whatever relating to this Affair, and against the Commissioners receiving and considering any Matter or Thing whatever, that they should then offer; and praying the Commissioners, on Behalf of their Government, to proceed on the Matter in Dispute by the Help of such Arguments, Papers, and Evidence, as should be laid before the Commissioners on the Part of *New Hampshire;* but the Commissioners shewed no regard to this unreasonable Remonstrance, and agreeable to the Spirit of the Commission, and the natural Justice of the Case, and that the End of the Commission might not be defeated, resolved, That the *Massachusetts* should have Time for bringing in their Claims and Demands, till

8 Aug. 1737 When the Committee for the *Massachusetts* laid before the Commissioners a Vote of the General Court of the Province, appointing them Agents on Behalf of the Province to attend the Commissioners in Support of the Claim of the said Province; and likewise presented to the Commissioners a State of their Demands approved of by the General Court and Assembly of the *Massachusetts;* whereby they recite the said Letters Patent of 4 *March* 1628, erecting the Colony of the *Massachusetts Bay;* and also the said Letters Patent in 1639. erecting the Province of *Maine*; and also the said Order in Council of 20 *July* 1677; and also their present Charter of 1691, by which the late Colony of the *Massachusetts Bay* and the Province of *Maine* were united into one real Province; *viz.* the *Massachusetts Bay*, with

State of the Massachusetts Demands.

which the Southern and Northern Boundaries of *New Hampshire* were then to be settled and marked out; and the *Massachusetts* Government therefore (pursuant to these antient Grants from the Crown made above 100 Years ago, explained and ascertained by the Royal judicial Determination in 1677, and recited and confirmed in their present Charter) claim and demand to hold and possess, and be bounded on the Southerly Side of *New Hampshire* by a Boundary Line beginning at the Sea three *English* Miles North from the *Black Rocks* (so called) at the Mouth of *Merrimack* River, as it emptied itself into the Sea 60 Years ago, thence running parallel with the River *at three Miles Distance* as far Northward as the Crotch or Parting of the River, *where* Winnipisiokee *and* Pemigewasset *Rivers unite, and make* Merrimack *River;* thence due North as far as a certain Tree, commonly known for more than 70 Years past by the Name of *Indicotts* Tree, standing three *English* Miles Northward of the said Crotch or Parting of *Merrimack* River and from thence due West to the South Sea; which they insisted they were able to prove by antient and incontestable Evidences, were the Bounds intended, granted, and adjudged to them as aforesaid; which Grant and Settlement of *Charles* II. in 1677. they insist on as conclusive.

As to the Southern Boundary.

The Northerly Boundary.

And on the Northerly Side of *New Hampshire*, by a Boundary Line to begin at the Entrance of *Piscataqua* Harbour, pass up the same to the River *Newichwannock*, through that to the farthest Head thereof, and from thence a due North-west Line till 120 Miles from the Mouth of *Piscataqua* Harbour be finished; which they alledge to be the Extent of the *Massachusetts* Province on that Part.

They therefore prayed the Commissioners to Order the Bounds and Lines before-mentioned to be run, marked out, and established accordingly, so far as *New Hampshire* extended, and that Plans might be made for the perpetual Remembrance of them.

To these States of the Demands of each Province, Answers were put in, and Replies made thereto by each Province in Writing.

State of Massachusetts Proofs.

Note, The *Massachusetts* produced the written Evidence before stated, and proved by several living Witnesses That the Mouth of the River *Merrimack* was formerly at the *Black Rocks*, but is now removed three Quarters of a Mile Southerly. They have also proved, That this River, during the Memory of Man, hath always been called *Merrimack*, from the Mouth up to the Crotch aforesaid, where *Winnipisiokee* and *Pemigewasset* Rivers unite; and produced also several Depositions taken above 60 Years ago, and also several ancient and late Deeds and Charters of

each Province, all mentioning this River in its several Reaches, by the Name of *Merrimack* River.

State of New Hampshire Proofs.

The Agents for *New Hampshire* produced several Witnesses, who swore, that they never knew such Alteration at the Mouth of this River, as proved on the Part of the *Massachusetts;* and produced also some written Evidence (altogether immaterial) in Support of their Demands.

2 Sept. 1737. Commissioners Judgment.

Upon Consideration of the whole by the Commissioners, a Doubt arose in point of Law; and the Court thereupon came to the following Determination, *viz.*

As to the Southern Boundary.

That if the Charter 3 *William* and *Mary*, grants to the Province of the *Massachusetts Bay* all the Lands which were granted by the Letters Patent 4 *Charles* I. to the late Colony of the *Massachusetts Bay*, lying to the Northward of *Merrimack* River; then the Commissioners adjudged and determined That a Line should run parallel with the said River, at the Distance of 3 *English* Miles North from the Mouth of the said River, beginning at the Southerly Side of the *Black Rocks* (so called) at Low Water Mark, and from thence to run to the Crotch or Parting of the said River, where the Rivers of *Pemigewasset* and *Winnipisiokee* meet, and from thence due North 3 *English* Miles, and from thence due West towards the *South Sea*, until it meets with his Majesty's other Governments; which should be the Boundary or dividing Line between the said Provinces of the *Massachusetts* and *New Hampshire* on that Side; But if otherwise, then the Court adjudged and determined, That a Line on the Southerly Side of *New Hampshire*, beginning at the Distance of 3 *English* Miles North, from the Southerly Side of the *Black Rocks* aforesaid at Low Water Mark, and from thence running due West up into the main Land towards the *South Sea*, until it meets with his Majesty's other Governments, should be the Boundary Line between the said Provinces on the Side aforesaid, Which Point in Doubt with the Court as aforesaid, they submit to his Majesty's Consideration.

As to the Northern Boundary.

And as to the Northern Boundary between the said Provinces, the Court resolved, That the dividing Line should pass up through the Mouth of *Piscataqua* Harbour, and up the middle of the River into the River of *Newichwannock*, (Part of which is now called *Salmon Falls*) and through the middle of the same to the furthest Head thereof, and from thence North 2 Degrees Westerly, until 120 Miles be finished, from the Mouth of *Piscataqua* Harbour aforesaid, or until it meets with his Majesty's other Governments; and that the dividing Line should part the Isle of *Sholes*, and run through the middle of the Harbour betwixt the

Islands to the Sea, on the Southerly Side; and that the South-westerly Part of the said Islands should lie in, and be accounted part of the Province of *New Hampshire;* and that the North-easterly Part thereof should lie in, and be accounted Part of the Province of the *Massachusetts Bay*, and be held and enjoyed by the said Provinces respectively, in the same manner as they now do, and have heretofore held and enjoyed the same.

And the Court further adjudged, That the Cost and Charge arising by taking out the Commission, as also of the Commissioners and their Officers for their travelling Expences, and Attendance in the Execution of the same, should be equally borne by the said Provinces; and then the Commissioners adjourned to

14 Oct. 1737. Appeal of the Massachusetts from the Determination of the Commissioners.

When the Commissioners met again, in order to receive any Exception or Appeal to their said Judgment from either Province. And the Province of the *Massachusetts Bay* presented their Appeal or Exception from the Judgment of the Commissioners to his Majesty in Council, as being aggrieved thereby in the following Particulars. — With Regard to the Southern Boundary of *New Hampshire:* First, For that the Commissioners ought not to have supposed, that the Charter, 3 *William* and *Mary*, did not grant to the Province of the *Massachusetts Bay* all the Lands which were granted to the *Massachusetts* Colony by the Charter 4 *Car* I. nor to have determined the running any Line in consequence of that Supposition. Secondly, For that the Commissioners ought not to have adjudged, That the Line to be drawn three Miles North of the Crotch should proceed due West towards the *South Sea*, *till it meets with his Majesty's other Governments;* for that the said dividing Line can proceed no further than 60 Miles, that being the Extent of the Province of *New Hampshire.* — With regard to the Northern Boundary of *New Hampshire:* First, For that this Line ought not to run from the furthest Head of *Newichwannock* River, *North two Degrees Westerly*, but ought to have been determined to run North-westward, or towards the North-west, agreeable to the Words and Meaning of the Charter. Secondly, For that the Commissioners should not have adjudged this last Line to run till the 120 Miles from the Mouth of *Piscataqua* Harbour be finished, *or till it meets with his Majesty's other Governments;* but should have directed this Line to run till the 120 Miles be finished, without mentioning his Majesty's other Governments, the Province of *New Hampshire* extending no further.

Appeal of the Province of New Hampshire from the Determination of the Commissioners.

And the House of Representatives of the Province of *New Hampshire* appealed from the Determination of the said Commissioners, apprehending themselves aggrieved thereby, in the following Particulars, *viz.*

On the Southerly Boundary: In that the Judgment says, "Beginning at the Southerly Side of the *Black Rocks* (so called) "at Low Water Mark": When those Rocks are about a Mile from the Mouth of the River *Merrimack*, and near 3 Quarters of a Mile North from where it empties itself into the *Atlantick* Sea or Ocean. *2dly*, From a parallel Line with the River, in case a crooked Line should be run, whereas they object against running a crooked Line parallel to the River, it being founded upon the old Charter of the Corporation of the *Massachusetts Bay* long since vacated; yet that in such Case it ought to begin 3 Miles to the North of the Mouth of the River *Merrimack* at Low Water Mark, where it empties itself into the *Atlantick* Sea or Ocean, in that manner to run no further than the River hath a Western Course, and not to run parallel with the River, where it runs North and South at 3 Miles Distance from the River, and far beyond where they apprehend it was formerly called *Merrimack*, and more particularly because the Province of the *Massachusetts Bay* now hold under the Charter of *William* and *Mary*, which never intended a crooked Line.

And as to the Northern Boundary: They objected against that Part of the Judgment that said, "Through the Mouth of *Piscataqua* "Harbour, and up the middle of the River;" because they conceived, that Mr. *Gorges's* Patent, by which the *Massachusetts* claim, doth not convey any Right to the River, the whole of the River, and the Jurisdiction thereof, having, as they insisted, ever been in the Possession of the Province of *New Hampshire*, and never claimed by the *Massachusetts;* and *New Hampshire*, in order to preserve and safeguard the same, have always had a Castle, and maintained a Garrison there.

Note, The Commissioners annexed to the Proceedings a Plan of the Rivers and Boundary Lines referred to, and mentioned in their Judgment as prepared by a Surveyor of their own Appointment; which Plan, drawn off in a smaller Scale, is herewith left.

And the Matter now comes on to be heard on the said two Appeals, and the special Matter of the said Determination; and the Province of the *Massachusetts Bay* humbly hope, That their said Appeal from the said Judgment or Determination of the Commissioners is well founded, and that the said Judgment shall be varied in the Particulars they have complained of; and that the *New Hampshire* Appeal therefrom shall be dismissed, amongst many other for the following Reasons.

As to the Special Matter of the said Determination:

Whether the present Charter to the *Massachusetts Bay*, grants them all the Lands that had been before granted to the Colony of

the *Massachusetts Bay*, lying to the Northward of *Merrimack* River:

The *Massachusetts* insist, it clearly does, amongst others for the Reasons following:

1. For that the present Charter to the Province of the *Massachusetts Bay*, in express Terms, incorporates all that which was commonly called or known by the Name of the *Colony* of the *Massachusetts Bay*, into the *Province* of the *Massachusetts Bay;* so that all that Territory which formerly constituted the *Massachusetts* Colony, is now unquestionably Part of, and within the present Province of the *Massachusetts Bay*, and must by the Boundary Line now under Consideration be parted from *New Hampshire.*

2. For that there is not the least Exception, or any the least Part of the late Colony of the *Massachusetts* hinted to be excepted or excluded by the present Charter, and therefore, according to the universal Understanding of Mankind, in all other Cases, where a Grant is made of any thing without any Exception, the Whole is granted; and the present Charter, containing a Grant of the late Colony of the *Massachusetts* without any Exception, is a Grant of the Whole, especially as this Grant was plainly intended not to be a diminishing, but an inlarging one.

3. That the present Charter grants the *Massachusetts* the same Bounds on the Northerly Side, as were granted by the former Charter to the *Massachusetts* Colony, is evident, because the Province of the *Massachusetts* is declared by the present Charter to extend from *Merrimack* River, and 3 Miles Northward thereof, to the *Atlantick* Ocean beyond Cape *Cod* on the South, and which is the Boundary intended to take in the late Colony of *Plymouth;* which it can never do, unless it takes in all the Lands that had been before granted to the Colony of the *Massachusetts Bay*, lying to the Northward of *Merrimack* River.

4. It farther appears, that the present Charter comprehends the whole of the late Colony of the *Massachusetts*, in regard 18 at least of the Counsellors to be chosen for the Province of the *Massachusetts Bay*, are by the present Charter required to be Inhabitants of, or Proprietors of Lands in that which was formerly the Colony of the *Massachusetts Bay*, and which makes a great Majority of the Council, which consists in the whole but of 28: Now no possible Reason can be assigned for this Limitation, but that the Counsellors, by Interest as well as Duty, might be engaged to consult the Good and Welfare of the Province, as being Inhabitants or Proprietors thereof; but if any Part of the late Colony of the *Massachusetts* be excluded by the present Charter, one or all of the said 18 Counsellors may be chosen, although Proprietors or Inhabitants of such excluded Part only; and

by that means the Majority of the Council consist of Members not interested in the Province, and render the wise and gracious Intention and Care of their Majesties absurd and ridiculous; so that either all the Land contained in the late Colony, must be within the Bounds of the present Province of the *Massachusetts Bay*, or else this Absurdity must follow, That 18 (which is a Majority) of the Counsellors of this Province may be such as are neither Inhabitants or Proprietors of Lands in the Province.

5. That the full and plain Design and Sense of the present Charter, was to contain and grant all the Land of the late Colony of the *Massachusetts* in and to the present Province, is clear and evident from that Part of the Charter, whereby the General Court of the *Massachusetts Bay* have full Power given them, "to make any Grant "of Lands lying within the Bounds of the Colonies, formerly called "the Colonies of the *Massachusetts Bay*, and *New Plymouth*, and "Province of *Maine*, as heretofore they might have done by virtue of "any former Charter or Letters Patent." Which abundantly shews, that the present Charter includes all these 3 Colonies and Provinces in their full Extent of Bounds, without excluding or excepting any Part thereof.

6. There are the very same Words to include all the Lands that formerly constituted the Colony of the *Massachusetts*, as there are to include the Lands of which the Colony of *New Plymouth*, and Province of Maine, formerly consisted; and yet there is no Pretence, but that the Whole of the Lands of *New Plymouth* and *Maine* are included in the present Charter.

7. This still farther appears from the Manner of wording the Commissions to the Governors of *New Hampshire*, from the Time of the present Charter to that of their present Governor, which give the Sense of 5 crowned Heads on this Question, and by which it is plain, that the Crown and the Officers of the Crown have understood the present Charter in this Sense, every one of these Commissions ascertaining the Southern Boundary of *New Hampshire*, to 3 Miles Northward of *Merrimack*, or any Part thereof, And,

8. As the fullest Answer to the *New Hampshire* Claim on this Head, in the State of the Demands they delivered in to the Commissioners, they state and admit, that the Province of *New Hampshire* is a small Province, lying principally *between that which was formerly the Colony* of the *Massachusetts* and that which was then the Province of *Maine*: Whereas should they prevail, in what they are now insisting on, *New Hampshire* would be so far from being a small Province, or lying between the late Colony of the *Massachusetts*, and the Province of *Maine*, That it would be a very large Province, and

would chiefly lie within the Bounds of the late Colony of the *Massachusetts*, and take off above 40 Miles in Breadth of that Colony, as settled and determined by the said Order in Council in 1677.

As to the Northern Boundary of the *Massachusetts*, or Southern Boundary of *New Hampshire*.

As therefore the present Charter comprehends all the Lands that had been before granted to the Colony of the *Massachusetts*, lying to the Northward of *Merrimack* River, it is apprehended, there can be no Doubt remaining, but that the Northern Boundary ought to be run, agreeable to the Claim insisted on by the Province of the *Massachusetts Bay*.

1. From the clear and express Words of the first Charter to the *Massachusetts* Colony, which indisputably contain a Grant, not only of all the Lands to the Southward of the River *Merrimack*, but also of all Lands within the Space of 3 *English* Miles to the Northward of that River, or to the Northward of any and every Part thereof; by which Words the River *Merrimack*, so far as it extends, with 3 Miles over and beyond the Northern or opposite Banks of that River, was unquestionably the real Boundary between the then Colony of the *Massachusetts*, and the Province of *New Hampshire;* and that the said 3 Mile Line must under that Charter be understood to commence from 3 Miles Northward of the Place, where *Merrimack* River then emptied itself into the *Atlantick* Sea; which the *Massachusetts Bay* have proved to be, and so the Commissioners have determined, at the *Black Rocks*, and to run in a curve Line parallel with, and along the Courses of the said River, so far as the River extends, which the *Massachusetts* have proved, and the Commissioners have accordingly determined, to be at the Crotch where *Pennigewassett* and *Winnipissiokee* Rivers meet.

2. From the Judgment and Determination of King *Charles* by his said Order in Council 1677, made upon this very Question, in the very solemn manner herein before stated, by which the then Colony of the *Massachusetts* is determined to be bounded on the North Part by a Line 3 Miles Northward of any and every Part of the River *Merrimack*, as far as that River goes until the River ceases; and when that known Boundary determines, then to be carried on by an imaginary West Line to the *South Sea*, which is exactly the Line the *Massachusetts* claim in this Controversy; and at the Time this Determination was made, all the Bends and Turns of this River were well known, and the then Colony of the *Massachusetts* then hoped, by putting a more advantageous Construction on their Charter, to have made out a Right to the whole Province of *New Hampshire;* but his then Majesty, by a final Judgment, bound them down to this parallel

Line ; and the *Massachusetts* must be more than unfortunate, if that which was binding on them, should not be so on *New Hampshire ;* and it would be very difficult, if this judicial Determination should be shook, to say what Certainty there could be in any Settlement of Boundaries to be hereafter made.

3. That the *Massachusetts* Colony were then judged and taken to be intitled to this Northern Boundary, according to this judicial Determination, appears from the first Commission which issued in 1679, (two Years afterwards) to President *Cutt* and Council (which is declared to be the first Formation of a Constitution of Government in that Province); by which *New Hampshire* is bounded, so as not to come within three Miles of *Merrimack* River.

4. For that the Line run or Settlement made of this Boundary by the Governor and Council of *New Hampshire* in 1696, (soon after the present Charter) which is run parallel with the Courses of *Merrimack* River at three Miles Distance, agreeable to the *Massachusetts* present Claim, plainly declares the Sense of *New Hampshire* itself, with regard to this Part of the Boundary, to be in favour of the *Massachusetts.*

5. For that *New Hampshire* can consist of nothing more than what was allowed to pass by the Grant to *Mason,* by the said judicial Determination in 1677; by which it was determined, That *New Hampshire* (then claimed by Mr. *Mason*) did not come within 3 Miles of *Merrimack* River: and therefore the *Massachusetts* must go everywhere 3 Miles over this River, because the Provinces join, and this *New Hampshire* was so sensible of, that though the Expression of the Commission, is to run the Boundaries of *New Hampshire,* yet they laid nothing before the Commissioners to show what their Boundaries really were, but left the *Massachusetts* to do it for them.

The OBJECTIONS made hereto on Behalf of *New Hampshire* are principally these :

1st Object. That the said Judgment in 1677 ought to have been pleaded in Bar, or not to be pleaded at all.

Answer. This is not a Proceeding of that Nature wherein the Form of special Pleadings was requisite or necessary: The Order was set out and insisted on by the *Massachusetts,* in the very first Step, *viz.* in the State of their Demands : Besides, the Use we make of this Order is to shew what was known and ascertained thereby to be and belong to the late Colony of the *Massachusetts*, and which the *Massachusetts* insist it incontestably does; and as all that then constituted that Colony, is incorporated in the present Charter, it of necessary Consequence shows and determines what belongs to the *Massachusetts* on that Side under their present Charter.

2d Object. That the late Charter was vacated by *Scire Facias* in 1684. and therefore the Massachusetts can lay no Claim to any thing which either that Charter or the said Determination in 1677 (which was made upon it) might otherwise have given them.

Answer. Tho' the former Charter was annihilated, yet as the present Charter incorporates the former Colony of the *Massachusetts* into the present Province of the *Massachusetts Bay*, and grants them all the Lands the late Colony held; this Objection has no manner of Weight in it: For if the former Colony contained the Lands, and was bounded as the present Province of the *Massachusetts* contend for, and they were all adjudged, whilst that Charter had Existence, to belong to that Colony; and if that Colony and the Lands thereof be incorporated by the present Grant into the Province of the *Massachusetts Bay*, those Lands justly and legally belong to the *Massachusetts Bay*, according to the Boundaries and Descriptions thereof, as contained in the said late Charter, and the said Determination thereof by the said Order in Council in 1677.

3d Object. That the Northern Bound in the present Charter, is, "All that Part of *New England* lying and extending "from the great River *Merrimack* on the North Part, and from three "Miles Northward of the said River to the *Atlantick* or *Western* "*Ocean* on the South; and all the Lands lying within the Limits "aforesaid, and extending as far as the outermost Points of Land "called Cape *Cod* and Cape *Malabar*, North and South, and in Lati- "itude, Breadth, and in Length and Longitude of and within all the "Breadth and Compass aforesaid, throughout the Main Land there "from the *Atlantick Sea*, on the East Part towards the *South Sea*, "or Westward as far as *Rhode Island*, *Connecticut*, and the *Nara-* "*gansett* Country:" And that those material Words of "any and "every Part thereof," inserted in the former Charter, are omitted in the present; and therefore this Northern Line must, agreeable to the present Charter, begin three Miles North from the Middle of the Channel of *Merrimack* River, where it runs into the *Atlantick* Ocean, and from thence should run on a strait Line West up into the main Land towards the South Sea; or that otherwise it will not hold the same Breadth, but will vary with every Turn of the River; and that when the River ceases to run a direct West Course, it cannot be a Northern Boundary.

Answer. This Objection proceeds on a Supposition, that this Case is to rest on the present Charter, without any Regard had to the former, and the judicial Determination made upon it: For admit them into the Consideration, (as the *Massachusetts* humbly insist they must) the Whole of this Objection is immediately

overturned. But if this Case was to rest on the present Charter only, (which the *Massachusetts Bay*, insist it is not) yet in that Case the *Massachusetts* apprehend it would even then be very clear, that the Boundary Line in Question ought to be run in the manner they contend for.

I. For as the present Charter contains a Grant of all that Part of *New England* from the great River *Merrimack* on the North Part, and from three Miles Northward of the said River to the *Atlantick Sea* on the South Part, tho' the Words "of any and every Part thereof," are not here inserted; yet as the River must be understood to comprehend all and every Part of the River, unless by some after Clause reduced to a more limited Sense, which is not done in the present Case, the Charter not saying from the Mouth, or any other particular Part, so the River is by this general Description, with three Miles to the Northward, made the Boundary; and also the Measure of the Breadth from the Sea into the Country so far as the River goes, and that as fully and amply as if the Words "every or any Part thereof," had been inserted therein; and from the Head of the River then by a Line to be drawn, *&c.* for as the Charter mentions no particular Spot or Point three Miles Northward of *Merrimack*, that this three Mile must be taken from, it is plain the Charter meant and intended the whole Northern Line of the Province to run three Miles Northward of and parallel with *Merrimack* River; and was it to be otherwise, the Province of the *Massachusetts Bay* would not have all that Part of *New England* from the River *Merrimack* on the North Part, and three Miles Northward of the said River; but on the contrary, the greatest Part of the River would be in *New Hampshire*; and instead of the *Massachusetts* having three Miles Northward of it, *New Hampshire* would have 40 Miles to the Southward of it.

II. The present Charter is plainly intended to include the Lands which formerly constituted the late Colonies of the *Massachusetts* and *New Plymouth*; whereas great Part of the Lands of each of those Colonies will be extended, if the Line is not run in the manner contended for by the *Massachusetts Bay*.

III. All the several Kings and Queens who have filled the *British* Throne from the Date of the present Charter to this Time, have determined this Question by the several Commissions they have during that Time issued to the Governor of *New Hampshire*, wherein *New Hampshire* is described as extending from three Miles North of *Merrimack* River, *or any Part thereof*, to the Province of *Maine;* The first of which Commissions being in the same Reign, and passed by the same Officers, who drew the present *Massachusetts* Charter, is

the strongest Evidence, that the present Charter was understood by their Majesties who issued it, and by all their Successors, in the Sense the *Massachusetts* now contend for, and which Commissions are all *New Hampshire* have to evidence any Boundaries at all; and being under the Great Seal, the *Massachusetts* insist on them, as so many Royal Declarations of the extent of *New Hampshire*, and by every one of which they are excluded expresly from all the Lands that lie within three Miles of *Merrimack* River, or any Part of it.

IV. The true Boundaries and Extent of *New Hampshire* appear by the said several Commissions from the Crown, which exactly correspond with the Boundaries insisted on by the *Massachusetts;* and the *Massachusetts* insist *New Hampshire* cannot support a Right to a greater Extent of Country than what was included in these Commissions, which are their Constitution of Government; and their insisting to have their Southern Boundary run in the manner they now contend for, is not warranted by any Grant, Commission, Deed or Conveyance, or by one Hour's Possession; but is entirely notional and without Foundation, and directly in the Teeth of the Royal Grants and Determinations in favour of the *Massachusetts*, and their Possession under the same, and even of the *New Hampshire* Commissions, and the Line they themselves run in 1696, as aforesaid.

As to the other Parts of this Objection, that the River cannot be a Boundary of Breadth, because it often runs and bends, nor can be a Northern Boundary, when it ceases to run a direct West Course:

This (it is apprehended) hardly requires a serious Answer: — Because if there was any thing in either of these Objections, it would be impossible for any River to be a Boundary either of Breadth or Compass, or even for *Newichwannock* River, which runs North two Degrees West, from being *New Hampshire's* Northern Boundary; and yet by the general Assent of Mankind, Rivers are the most natural, best, and most certain Boundaries between different Provinces; and *Newichwannock* River is most certainly the Northern Boundary to *New Hampshire.*

The River *Merrimack* is the Measure of the Breadth from the *Atlantick* Sea into the Country as far as it goes, and that Breadth which the River makes, and no more, it must hold, whilst the River lasts, and the Breadth where the River determines is the Breadth that must be continued to the End of the Northern Line; for *Merrimack* River is made the Bounds on the North Part of the Province, as the *Atlantick* Sea is on the South; and notwithstanding the many large Reaches there are in this Sea Shore, that is, notwithstanding the South Boundary, till the *Massachusetts*, meets *Rhode Island*, as *Merrimack* is, as far as that goes, with three Miles to the Northward of

it, the North Boundary; and divers of these Reaches in the Sea Shore between Cape *Cod* and *Rhode Island* turn and run as much and more directly South than any Turning in *Merrimack* River runs North; and why *Merrimack* River, when it turns less Northerly, may not be the North Bounds, as well as the Sea Shore, that runs more directly South, may be the South Bounds, is difficult to reconcile to common Sense, and it is believed this is the first time that ever such Objections as these were taken: For notwithstanding the Turnings and Windings of the River, it lies on the North Part of the Province, and is properly a Northern Boundary to it. No River can have more than two Sides; this River has a South and a North Side, and all the Lands that lie on the North Side of it lie to the Northward of the River, notwithstanding the several Bends and Turnings that it may make. And as to the Necessity contended for of having a strait West Line from three Miles North of the Mouth of *Merrimack* River, because otherwise the Breadth would vary; the Breadth will always vary, where the Boundaries are natural Boundaries of Rivers or Mountains; and would still vary in this Case, tho' this Line was to be run in the manner *New Hampshire* contend for; because the Sea Shore, which is the Southern Boundary, does not run in a strait Line, but in some Places turns much Northerly, and in others much Southerly, which is sufficient to show the Weakness and Absurdity of this Argument.

And *New Hampshire* may as well insist to cut the *Massachusetts* off from the Sea on the South by a strait West Line from the Sea Shore, (where a South Line from the Mouth of *Merrimack* strikes the Sea) as they can by a strait West Line from three Miles Northward of the Mouth of *Merrimack* cut the *Massachusetts* off from that River; for *Merrimack* River, and three Miles to the Northward, is as much the *Massachusetts* North Bounds, as the *Atlantick* Southward of Cape *Cod* is their South Bounds.

The plain and necessary Meaning and Intent of the Charter is, That the *Massachusets* should have all that Breadth and Compass of Land which is comprehended between the Sea, *Rhode Island* and *Connecticut* on one Side, and *Merrimack* River, with three Miles Northward thereof, on the other Side, so far as the River extends, and then to be continued by a Western Line. And it is observable, that the Word Compass, as well as Breadth, is used in the Charter, which is of itself sufficient to obviate such Objections as these.

And it is observable, that the same Difficulties (if these can be called any) arose on the Determination and Judgment passed on the Grant in the old Charter; and yet those learned Judges, on a solemn Argument and full Representation of the Matter, particularly of the

Courses and Reaches of the River, finally adjudged such a parallel Line as far as the River run, to be the Boundary of that Colony, now incorporated with others, without any Diminution, or taking from it into the present *Massachusetts* Province.

The *Massachusetts* further insist, That the Determination of the Commissioners is wrong, where it says, That from three Miles North of the *Crotch* the Line shall proceed due West towards the South Sea, *till it meets with his Majesty's other Governments;* which the Commissioners declare to be the dividing Line between the *Massachusetts* and *New Hampshire* on that Side; whereas the Commissioners (who had no Power to run the Line of the *Massachusetts* further than it was a Boundary between that Province and *New Hampshire*) ought not to have carried the said dividing Line further than 60 Miles, because the Province of *New Hampshire* never did go further, whether the Bounds of it be taken from *Mason's* Grant, which expresly mentions the Extent to be 60 Miles; or from the Commissions to the Governors of *New Hampshire*, which bound *New Hampshire* by the Province of *Maine;* for there is no Pretence *New Hampshire* has a Right to a Southern Boundary of the same Extent with the *Massachusetts* Northern Boundary.

As to the Northern Boundary of *New Hampshire*, or Southern Boundary of the Province of *Maine*, being the Line between *New Hampshire* and the Province of *Maine*.

Reasons in Support of the Massachusetts Appeal.

By the Grant from King *Charles* the First to Sir *Ferdinando Gorges* of the Province of *Maine*, it is plain a large square Tract of Land was intended to be granted, bounded by Rivers on each Side as far as the Rivers go, and from thence North-westward till 120 Miles be ended; Words so plain, that it is difficult to raise a Doubt about them: What the *Massachusetts* insist on, is, That this 120 Mile Line should, agreeable to the Words of the Grant, run North-westward, or towards the North-west, from the Head of the said River till the 120 Miles be accomplished. What *New Hampshire* insist on, is, That this 120 Mile Line should run from the Head of the said River North less than a quarter of a Point West: And the Commissioners have determined this Line to run from the Head of the said River North two Degrees Westerly. And from this Part of the Determination the *Massachusetts* have appealed, insisting, that the Commissioners ought to have determined, that this Line should run from the Head of the said River North-westward.

I. For that the Term North-westward is a well known and certain Course, perfectly understood by all skilful Mathematicians and Surveyors, and is the same as towards the North-west, as Westward is

towards the West, and is so used in all Deeds and Writings, and in the Language of all Mathematicians and Surveyors: And whenever a Line is intended to be run North, a small matter to the West, the usual way of expressing it is by the Word North-westerly, or, if Accuracy requires it, with the Addition of how many Degrees it is to the Westward of the North: But by North-westward is always understood to be meant a Direction tending to the North-west, or in the Middle of the Compass between the North and West.

II. For that when King *Charles* the First, and King *William* and Queen *Mary*, used these Terms North-westward, and North-eastward, they so used them to express the Course of those Lines with Certainty, and to the general Understanding of Mankind; and could never mean, that the Line running up the River 120 Miles should be two Degrees West; and that the other Line running from the River 120 Miles to bound the second Side, should be North two Degrees East: 1. Because this would make the Province of *Maine*, instead of a Tract of Land of 120 Miles square, only a Gore, or triangular Piece of Land, being at one End a Point, and but eight Miles wide at the other, not one twentieth Part of their Grant, and no-ways capable of exercising the many and great Privileges expressed in the Grants. And, 2. Because the Words made use of, *viz.* North-westward and North-eastward, being known Terms, would not admit of a Construction so undetermined and uncertain.

III. The *Massachusetts* have likewise appealed from that Part of the Determination of the Commissioners, by which they direct this 120 Miles to run from the mouth of *Piscataqua* till it be finished, or *till it meet with his Majesty's other Governments:* Whereas the *Massachusetts* insist, it should have been till the 120 Miles was finished, without mentioning his Majesty's other Governments; because the Province of *Maine* extends no farther than till 120 Miles be finished, and *New Hampshire* on that Side is bounded by the Province of *Maine*, in the several Commissions to the Governors of *New Hampshire*.

New Hampshire Appeal.

New Hampshire insist, That the Commissioners have done wrong in directing the Northern Line to run thro' the Mouth of *Piscataqua*, and so up the Middle of the River; insisting *Gorges's* Patent doth not pass any Right to the River, and that the Whole of that River, and the Jurisdiction thereof, hath ever been in the Possession of *New Hampshire*, and never claimed by the *Massachusetts*.

Answer.

By the express Words of *Gorges's* Grant, the Line must run thro' the Mouth of *Piscataqua*, and up the Middle of the River, it being impossible to run the Line agreeable to the Description of that Grant, without.

And (notwithstanding what *New Hampshire* have surprisingly insisted on to the contrary) Possession and Enjoyment have been agreeable hereto, it being a known Truth, that from Time immemorial the Province of *Maine* have and now do possess and receive Taxes constantly from all the Islands lying in that River, on that Side towards the Province of *Maine*; and the *Massachusetts* aver in the most solemn manner, That *New Hampshire* have never in any one Instance exercised the Jurisdiction of the whole River, and that the Province of *Maine* have constantly possessed and enjoyed the Islands all along their Side of the River — the Fact being, That all the Islands in the said River have been always considered and taxed as belonging to that Government they lay nearest to.

For all which amongst many other Reasons, the Province of the Massachusetts Bay *humbly hope, their Lordships will be of Opinion to vary the Determination of the Commissioners in the Particulars they have appealed from; but that their Determination shall Stand and be Affirmed in all other respects; and that the* New Hampshire *Appeal therefrom shall be dismissed.*

J. Strange.
R. Hollings.

[Endorsed]

Massachusetts Bay

And

New Hampshire.

The CASE *of His Majesty's Province of the* Massachusetts Bay, *touching the Dispute between that Province and his Majesty's Province of* New Hampshire, *in relation to their Boundaries on the Settlement thereof made by Commissioners appointed for that Purpose; and of Cross-Appeals therefrom.*

To be Heard before the Right Honourable the Lords *of the* Committee of his Majesty's *Most Honourable* Privy Council, *at the* Cock-pit, Whitehall, *on* Wednesday *the 5th day of* March 1739. *at Six o'Clock in the Afternoon.*

NEW HAMPSHIRE

MASSACHUSETTS BAY.

Nashaway River
Sonhaygan River
Sony Brook
Concord River
Shanshan River
Haverill Town
Piscataquaug River
Black Brook
Merrimack River
Penny pook
Londoncook Riv.
Pennacook or Pemmacook River
The crotch of the River viewed in y Judgment
Winnipiseokee River
Winnipisiokee Pond or Lake.
Amoskeag Falls
Suncook River
Includes all the late Massachusetts Colony
Massabesick Hills
Boundary insisted on by the Massachusetts Bay and determined to be by y Commissioners in case the present Charter
This is the Boundary insisted on by New Hampshire
This Line runs Due West & is y Boundary determined by the present Charter doth not include all y late Mass. Colony
Pawaw River
Salisbury
Newbury
Plumb Island
Hock Nock
The Mouth of Merrimack River
Hampton
Exeter
Lamprey River
Cochecho River
Oyster River
Great Bay
Little Bay
Dover Neck
Greenland
Nipmuchnannock River
Quamphegan
Lovells Pond
Portsmouth
Kittery
New Castle
The Mouth of Piscataqua Harbour
Isles of Shoals
The Atlantick Sea
York
Due North West
This is y Boundary claimed by the Massachusetts Bay
This Line runs North & Due West & is y Boundary determind by y Com. agreable to y New Hampsh. claim
Magnetical North
Due North
W
S
E
A Scale of Miles
0 5 10 15 20

A PLAN of the Rivers and Boundary Lines referr'd to in y Proceedings & Judgment of y Commissioners for adjusting the Bounds between the Massachusetts Bay and New Hampshire.

By G Mitchell Sen.r

NEW HAMPSHIRE

MASSACHUSETTS BAY

THE ATLANTICK SEA

NEWBURY

Merrimack River

Spruce Creek

Piscataqua River

Salmon Falls River

Cocheco River

Bellamy River

Swamscott River

Stony Brook

Pawtuckett Falls

Concord River

Bacon Brook

Shawshin River

Haverill Town

The Line claimed by New Hampshire

Due West

Black brook

Penny cook

Contoocook River

Pemigawasset River

The Crotch of the Rivers Referred to in the Judgment

Winnipisiocke River

Winnipisiocke Pond or Lake

Merrimack River

Plum Island

Black Point

The Mouth of Merrimack River

Salisbury

Hampton

Exeter

Lamprey River

Oyster River

Great Bay

Little Bay

Newington

Dover Neck

Portsmouth

Kittery

New Castle

Islands

The Mouth of Piscataqua Harbour

York

Cocheco River

Quampegan

Nowichewanock River

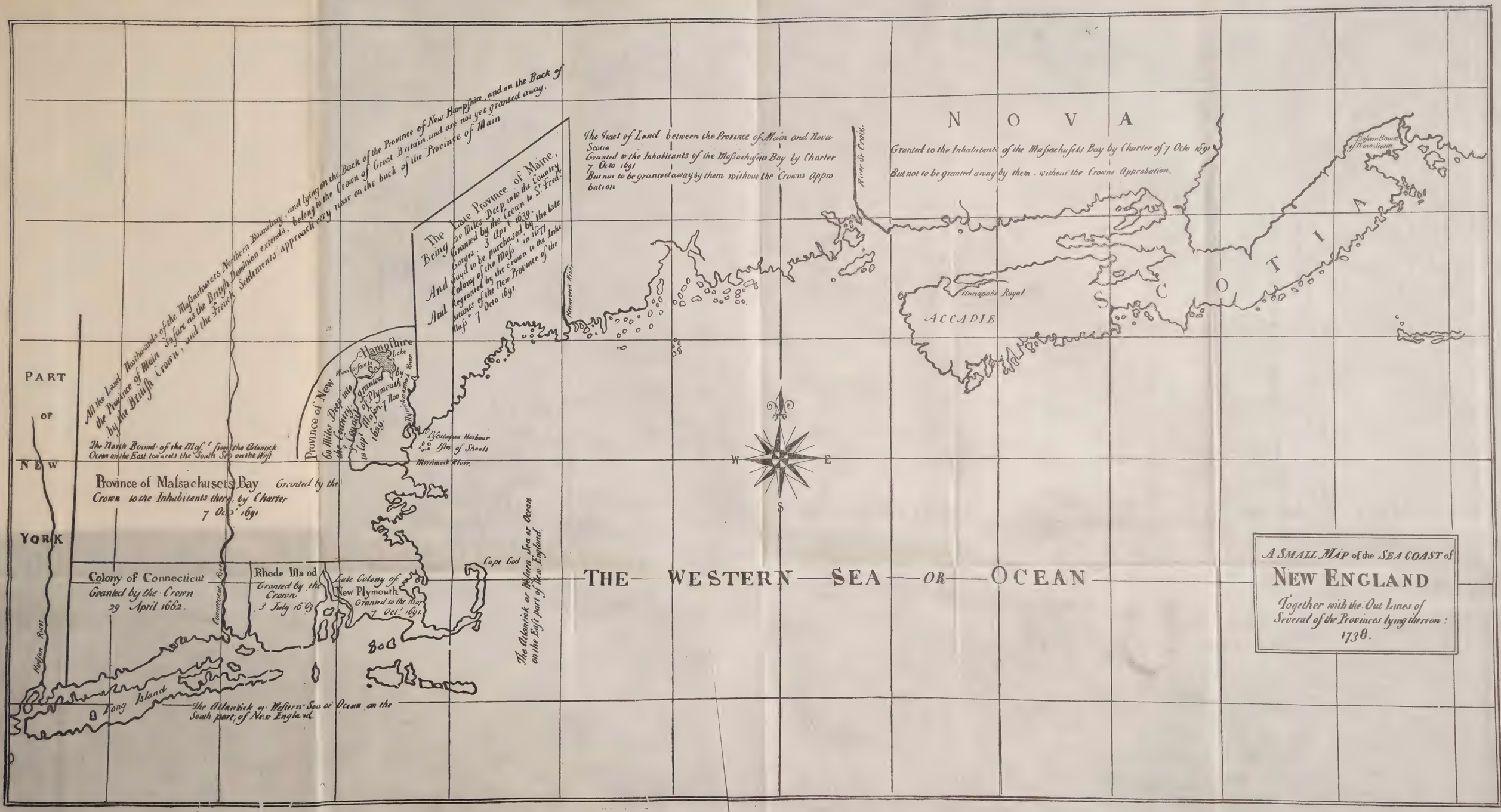
Lords Pond

Claimed by New Hampshire N. 2 deg. W.

A Scale of Miles

5 10 15

A Copy of the Plan returned by his Majs Comrs for setting the Boundarys between the Provinces of New Hampshire and the Massachusets Bay, along with the said Comrs Judgment of 2. Sept. 1737.


All the Land Northwards of the Massachusetts Northern Boundary, and lying on the Back of the Province of New Hampshire and on the Back of the Province of Main so fare as the British Dominion extends, belong to the Crown of Great Britain and are not yet Granted away by the British Crown, and the French Settlements approach very near on the back of the Province of Main
The Late Province of Maine, Being 20 Miles Deep into the Country Granted by the Crown 3 Apr. 1639 to Sr Fred.k Georges, And Lyed to be purchased by the Colony of the Mass. in 1677 And Regranted by the Crown to the Inhabitants of the Mass. 7 Octo 1691
The Tract of Land between the Province of Main and Nova Scotia Granted to the Inhabitants of the Massachusetts Bay by Charter 7 Octo 1691 But not to be granted away by them without the Crowns Approbation
N O V A
Granted to the Inhabitants of the Massachusets Bay by Charter of 7 Octo 1691
But not to be granted away by them . without the Crowns Approbation.
S C O T I A
Eastern Bound of Nova Scotia
River St. Croix.
Annapolis Royal
ACCADIE
Province of New Hampshire 60 Miles Deep into the Country Granted by the Council of Plymouth to Capt. Mason 7 Nov. 1629.
Hampshire Lake
Winnipiseogee Lake
Merrimack River
Piscataqua Harbour
Isles of Shoals
Merrimack River.
PART OF NEW YORK
The North Bound. of the Mas.ts from the Atlantick Ocean on the East towards the South Sea on the West
Province of Malsachusets Bay Granted by the Crown to the Inhabitants there of, by Charter 7 Oct.r 1691
Colony of Connecticut Granted by the Crown 29 April 1662.
Rhode Island Granted by the Crown 3 July 1663
Late Colony of New Plymouth Granted to the Mas.ts 7 Oct.r 1691.
Connecticut River
Hudson River
Long Island
The Atlantick or Western Sea or Ocean on the South part of New England.
Cape Cod
The Atlantick or Western Sea or Ocean on the East part of New England.
THE WESTERN SEA OR OCEAN
W
E
S
A SMALL MAP of the SEA COAST of
NEW ENGLAND
Together with the Out Lines of Several of the Provinces lying thereon:
1738.

NEW HAMPSHIRE
Dunstable
Dunstable
Penichook River
Chensford
Dracut
Penny Cook
Penigiwasset River
Concord
Londonderry
Merrimack River
Controverted Lands
Boxford
This is the Dividing line as New Hamshire
This Truck line is what Haverill Claims
to this place y^e Tide flows
Kingstown
Bradford
Haverill
Salsbury
Almsbury
NEW HAMPSHIRE
Newbury
Salsbury
Hampton
Dover
Great Bay
Little Bay
Dover Neck
Barwick
Newitchwannock
The entrance of Merrimack River
THE ATLANTICK OR WESTERN SEA OR OCEAN
Portsmouth
Kittery
Ship Channell Entrance of Piscataqua
Isles of Sholes Rhoad
York
PROVINCE OF MAINE
Part of Winnipissiokee Pond
5
10
15
20
A Scale of Miles

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INCLUDING ALL PRINTED IN THIS AND PRECEDING VOLUMES OF THIS SERIES.

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PROCEEDINGS

OF THE

PRESIDENT AND COUNCIL

OF THE

PROVINCE OF NEW HAMPSHIRE

FROM

JANUARY 1, 1679, O. S., TO DECEMBER 22, 1680; JULY 6, 1681, TO SEPTEMBER 8, 1681; NOVEMBER 22, 1681, TO AUGUST 21, 1682; OCTOBER 4 TO OCTOBER 14, 1682.

Taken from Manuscripts in Possession of the Massachusetts Historical Society and in the English Archives.

NOTE.

The early records of the President and Council of New Hampshire, as given following, cover a period of nearly three years, including the administrations of John Cutt and Richard Waldron, the first two Presidents of the province. These records are in two parts, and are obtained from far different sources. The first division, consisting of the records from January 1, 1679, O. S., to December 22, 1680, covers nearly the entire administration of John Cutt, of Portsmouth, New Hampshire's first provincial President. John Cutt was advanced in years when he received his royal appointment; and although the population of the province was at that time very small, consisting of the inhabitants of only four towns, he did not long survive the cares of the organization and administration of even so small a government. He died March 27, 1681.

In regard to the spelling of the name, Cutt or Cutts, a short sketch of President Cutt in Vol. III., Farmer and Moore's Historical Collections, says, "When Major Cutt, a descendant, was at the siege of Louisbourg, he met with an English officer by the name of Cutts. Upon becoming acquainted they found themselves related, having sprung from the same family originally. After this, Major Cutt added an s to his name, which was also done by all his relatives in Portsmouth."

The manuscript from which the copy of this division was taken is in the possession of the Massachusetts Historical Society, to which we are indebted for the privilege of its use. It is printed in Vol. XVI. of the collections of that society, together with an introductory sketch by Mr. Charles Deane, to whom we owe the discovery of the manuscript, and, by courtesy of the society, we are enabled to reprint Mr. Deane's sketch of the discovery and probable history of this valuable document. In the publication of these records in the Proceedings of the Massachusetts Historical Society, Mr. Deane made the spelling, capitalization, and punctuation conform to modern usage, and all abbreviations, except those occurring in names of persons, were spelled out. While this method makes the meaning clearer, and the subject more intelligible to the ordinary reader, it does not convey an accurate idea of the original to the student of history, or to a man in any degree familiar with ancient manuscripts. The copy here presented was taken from the original manuscript, and, as has been our custom in the publication of ancient documents, every particular of the original has been reproduced in print so far as type will allow.

The second division of these records consists of three sections, the first covering the period from July 6, 1681, to September 8, 1681; the second, November 22,

1681, to August 21, 1682; and the third, October 4 to October 14, 1682. Thus we have a gap of six months between the two divisions. It would appear from the style of the records that the spaces of time between these three sections were caused by adjournments of the Council, although no definite act of adjournment is recorded; and this appears the more probable from the fact that the first and second sections are signed by the President and the members of his Council, as constituting a journal of their proceedings for a completed period of time.

On the death of President Cutt, about four months before the beginning of this division of the records, he was succeeded in the government by his deputy, Richard Waldron. President Waldron appointed the former Secretary, Elias Stileman, his deputy, and presided over the affairs of the province until the arrival of Edward Cranfield, October 4, 1682, who brought with him a commission from Charles II. dated May 9 of that year, appointing him "Lieutenant Governor and Commander in Chief of the province of New Hampshire." Mr. Deane, in his note herewith printed, makes mention of the differences in the personnel of the Council, caused by death and change of administration.

We believe that the existence of this division of the records of the President and Council was not known in this state or in this country until the discovery was made by this department about a year ago, through the medium of the calendar of New Hampshire papers in the English Archives, prepared for the New Hampshire Historical Society. We immediately obtained copies of them through Mr. B. F. Stevens, of London, and they are here, for the first time, presented to the public. They are of great historical value, being of date so near the beginning of the administration of a separate government in this then province, and connecting so closely with the records of John Cutt obtained from the Massachusetts Historical Society. Previous to the discovery of these documents, the state had no record of the proceedings of the government of the province earlier than August, 1692 (2 Bouton's Province Papers, N. H., 70), and it now seems hardly probable that the chasm of ten years, still left, will ever be filled except by the possible finding of some records among private papers.

EDITOR.

COMMUNICATION

OF

CHARLES DEANE TO THE MASSACHUSETTS HISTORICAL SOCIETY

RESPECTING THE RECORDS OF THE PRESIDENT AND COUNCIL OF NEW HAMPSHIRE FOR 1679–1680. TAKEN FROM PROCEEDINGS OF THE MASSACHUSETTS HISTORICAL SOCIETY, VOL. 16, PAGE 256.

The jurisdiction of Massachusetts was extended over the New Hampshire settlements in 1643, in which year, in September, Exeter was admitted to the terms of the union, to which Portsmouth and Dover had subscribed on the 14th of June in the preceding year. Hampton was claimed from the first to belong to the territory and jurisdiction of Massachusetts.* This jurisdiction over the New Hampshire towns continued till 1679–80. Covering this period there are no records except what are connected with, and contained in, the Records of the Massachusetts Colony.

When it had been decided in England that neither Massachusetts nor Robert Mason had a right to rule New Hampshire, it became necessary to provide some other government for the four towns which still constituted the whole inhabited part of that territory. The King, in Council, accordingly instituted such an authority. New Hampshire was created a Royal Province. John Cutts (or Cutt) of Portsmouth, a respected merchant, now far advanced in life, was made President of it, with power to appoint a Deputy. Six persons were designated to compose his Council, with three others chosen by them. The Governor and Council were to be a judicial court, subject to an appeal to the King in Council, in cases involving a value of more than fifty pounds. They were authorized to appoint military

*See Mass. Coll. Rec. Vol. I. p. 324, Vol. II. p. 43; Provincial Papers of New Hampshire, Vol. I. p. 146; Farmer's Belknap, pp. 31, 32.

officers, and, with the concurrence of an assembly, to assess taxes. The assembly, to consist of Deputies of the towns, was to constitute a part of the government so long as the King should not see fit to order otherwise. Enactments were to be immediately transmitted to the Privy Council, and were to remain in force until disallowed by that authority. Liberty of conscience was to be maintained. It was ordered that a seal should be transmitted to the Province, with a portrait of the King and the royal arms, to be set up at the seat of government.*

The commission was brought to Portsmouth on the first of January, 1679–80, by Edward Randolph, than whom, says Belknap, there could not be a more unwelcome messenger; † and its contents were made known to the persons named in it as magistrates. They were, besides the President, Richard Martyn, William Vaughan and Thomas Daniel, of Portsmouth; John Gilman, of Exeter; Christopher Hussey, of Hampton; and Richard Waldron, of Dover. "All of them were well affected to Massachusetts, and no one was ambitious of the position to which he was raised. They accepted the trust simply from a conviction that, if declined by them, it would fall into hands that would deal less justly with the rights and interests of their neighbors. They took the oaths of office, and elected for their associates Elias Stileman, of Portsmouth; Samuel Dalton, of Hampton; and Job Clements of Dover. They appointed Richard Martyn to be Treasurer, Elias Stileman to be Secretary, and John Roberts to be Marshal; and the President designated Richard Waldron as his Deputy. They issued writs convening an Assembly, to consist of two deputies from Exeter, and three from each of the other towns, and appointed a Fast-Day to pray for the continuance of their precious and pleasant things." ‡

Of the new government thus instituted, the paper which I now lay before the Society is the earliest record, — that is to say, it is the record of the Governor and Council, from January 1, 1679–80, to December 16, 1680, a period of one year, — and it has never been printed.

The manuscript consists of twenty-three folio pages, closely written, and is in the well-known hand of Elias Stileman, the secretary of the Province and clerk of the Council; that is, from the establishment of the new government till he was superseded by Richard Chamberlain, — a period of one year. It is in excellent preservation.

* See Farmer's Belknap, pp. 88, 89; Palfrey's Hist. of New England, Vol. III. pp. 402, 403, whose excellent summary of Belknap, and of the Commission to Cutts, I here follow, in his own language.

† Farmer's Belknap, pp. 90, 91. The Commission is in "Provincial Papers of New Hampshire," Vol. I, pp. 373–382. It passed the seals on the 18th of September, 1679.

‡ Palfrey's New England, Vol. III. pp. 403, 404, and the authorities cited by him. For brief notices of President Cutts and the members of his Council, see N. H. Hist. Soc. Coll., Vol. VIII. pp. 305–352.

There is one blank leaf at the beginning, and three at the end; and one leaf, probably a blank one, has apparently been torn out immediately following the last leaf of manuscript. The whole is enclosed in a paper cover, made from part of an ancient Dutch map, the face turned inward. On the outside of the cover is written, probably in the Secretary's hand, "The Goverm^{t} Setled wth a Presedent and Counsell," followed by the modern inscription already referred to. The sheets and cover are firmly stitched together.

It might naturally be inferred that this manuscript belonged to the archives of the Provincial Government of New Hampshire, if such a deficiency exists in their public records.* The following extract from a letter of Richard Chamberlain, the successor of Mr. Stileman in the office of secretary and clerk, may throw some light upon this point. It is written from New Hampshire to the Lords of the Council of Charles II., under the date of May 16, 1681:—

In obedience to your Lordships' commands, by your letter of the first of October last, requiring me to give your Lordships an account of all matters transacted in the office of Secretary (and clerk of the Council) of this Province of New Hampshire, I humbly present to your Lordships this following narrative:—

Upon the twenty-fourth of December [1680] I arrived at Portsmouth, at the house of John Cutt, Esq., then President, since lately deceased, unto whom I delivered your Lordship's letter of September 30, 1680; and showed him his Majesty's Commission, whereby I was appointed Secretary for the Province and Clerk of the Council.

Upon the 28th December the Council met, where the said Commission and your Lordships' letter were publicly read. It was debated about three days whether they should admit me or not; but at length, upon the 30th of the said month, I was admitted. According to the duty of my place and office, I did desire the books and papers of the Council's proceedings to be delivered to me, which were in the hands of Mr. Stileman, one of the Council. For the Council book, it was denied me, upon pretence that there was not any. Then desiring one to be made, I was told the country was poor, etc.; but afterwards, at their meeting in March, I had a waste-book of the Council's Acts and Orders delivered me, to transcribe and keep; the fairer book, then brought, being to remain in the hands still of Mr. Stileman. For the records and papers recorded as "on file," he retains them too, as an officer called Recorder; and is besides Clerk of the Writs, besides Captain of the Fort, as appears in the general account to your Lordships. For, to make my commission insignificant, they have appointed three among themselves to be parcel Secretaries or Registers of the Province, &c.†

*From a note in Farmer's Belknap, p. 459, published in 1831, and from the contents and notes of the eighth volume of "New Hampshire Historical Collections," and the first volume of "Provincial Papers," both edited by the late Dr. Bouton, I should infer that the original manuscript records (like such as now form the subject of this communication) of the Provincial Government of New Hampshire, from its institution in 1679–80 to the administration of Barefoot inclusive, were not now known to be in existence. What are published in the two books last named are probably papers from "the files" which never formed any part of the Records, and such fragmentary papers as were originally copied from the Records, and now lie scattered in several depositories in the State. Of course there were no records kept in New Hampshire under the general governments of Dudley and Andros.

† Jenness's Transcripts of Original Documents relating to New Hampshire: New York, 1876, pp. 93, 94. This letter as recorded or originally published, is so badly punctuated in many places that its meaning is obscured. In the above extract, I have endeavored to punctuate it according to the meaning of the writer.

It appears by this narrative of Chamberlain that the rough minutes (or "waste-book") of Stileman were delivered to him to "transcribe and keep"; while the "fairer book" exhibited to him was still to remain in the hands of Mr. Stileman by virtue, as was claimed, of his office of "Recorder and Clerk of the Writs," etc. Our copy of this manuscript therefore is, without doubt, Stileman's "fairer book," transcribed by him from the original minutes which he kept during the meetings of the Council, as is the custom with such clerical officers, and retained by him in his personal possession after he was superseded in his office by Chamberlain, between whom and the members of the old Council there was no very friendly feeling.

From whom did the Historical Society receive this manuscript? We should naturally seek to trace its previous possession to Dr. Belknap, who, in his History of New Hampshire, cites the "Council Records," from the earliest session of that body "in the handwriting of Elias Stileman, Secretary," * down to near the close of Cranfield's administration; and whose papers have found their way, some as well before as since his death, to the archives of the Society. I find no record of its having been presented by name, but in the early history of the Society large masses of manuscripts were sometimes given, with no indication as to their character or contents. The manuscript was deposited in Cabinet No. 41 of the Society with a mass of ancient papers, not very well arranged for consultation, though they were principally catalogued some twenty years ago on slips of paper preparatory to printing in a volume. A printed or even a complete manuscript catalogue of the Society's papers is yet a desideratum. My eye fell upon this relic while searching for materials to illustrate the early proceedings of the Society now passing through the press.

I cannot but think that these records contain several details, only briefly summarized by Dr. Belknap, relating to the provincial history of New Hampshire, to be found nowhere else; and it appears to me that we should be doing a friendly service by publishing the manuscript for the use of our historical friends in that State which for so long a period formed a part of Massachusetts. I therefore recommend that it be printed in the Proceedings of the Society.

* See Farmer's Belknap, pp. ix. 109, 110.

RECORDS

OF THE

PRESIDENT AND COUNCIL.

1679-1682.

Portsm^{o} in the province of N-Hampshire Janua.^{r} primo 1679

This day by the hands of Edw: Randolph esq^{r} wee his Maj^{tes} president & Council for the prov.^{r} of N — Hampshire received his Maj^{ties} Commiss'on of grace & favo^{r} for the Gov^{r}m^{t} of said province together wth a seale & Letter from y^{e} Kings Maj^{tie} & his hon^{bl} privi Councel./

January y^{e} 14th 1679

The president & Council menc'oned in his Maj^{ties} commisson assembled at y^{e} presidents house in portsm^{o} & then & y^{r} distinctly read his Maj^{ties} s^{d} Commisson as directed./

January y^{e} 21th 1679

His Maj^{ties} Commisson^{rs} Nomynated in said Commiss'on tooke y^{r} respective oathes as menc'oned in s^{d} Commiss'on./

January 22^{d} 1679

This day the Inhabitants of the province of N-Hampshire having had seasonable Notice did convene in portsm^{o} & in publick before y^{e} Assembly his Maj^{ties} Commiss'on was Read unto them & proclamac'on made of his Maj^{ties} receiving them into his gracious favour & protection w^{ch} was received wth Gr^{t} acclamation & fireing of Guns in severall parts of s^{d} Towne of portsm^{o}./

This day also the president made choice of Richard Waldron esq^{r} fo^{r} his Deputy to y^{e} great satisfacc'on of y^{e} Council, also was added to y^{e} said Council m^{r} Elias Stileman m^{r} Sam.^{l} Dalton & m^{r} Job

Clements, the said Stileman & Dalton tooke y^e^ respective oathes of alleigiance & Supremacie & to theire place & office./

The president & council agreed upon & ord^r^ for a proclamac'on to be sent forth to all y^e^ Townes w^th^in this province to order all officers to keepe theire respective places until they take further ord^r^ w^ch^ is as ffoloweth./

To All his maj^ties^ good Subjects the Inhabitants of portsm^o^ Hampton Dover & Exceter in his Maj^ties^ province of N-Hampshire in New England ℔ ord^r^ of the president & Council assembled at portsm^o^ this 22^d^ of January 1679/80 & in y^e^ 31 yeare of his Maj^ties^ Reigne

Bee It Knowne unto you & ev^ry^ one of you that y^e^ president & Council doe ord^r^ & declaire in his maj^ties^ Name That all Commisson^rs^ constables : m^r^shalls Grand Jury men & all other Officers Civil & Millitary doe keepe theire respective places & attend the duty and concernes of the trust to them alreadie committed untill further order be taken by his maj^ties^ Gov^r^m^t^ now here established. And if any trespass be done to any Towne or person in theire Lib^ties^ or proprieties the Select men and officers shall take effectuall care to suppress & restreine y^e^ same according to y^r^ severall places & offices, & if any person have allreadie presumed to doe any trespass upon any Towne person or peculier, they are alike Req^rd^ to forbeare as they will answ^r^ the contrary at y^r^ ℔ill

God Save the King

The original Coppie put on file/

At a meeting of the president & Council y^e^ 4^th^ ffeb^r^ 1679

p^r^sent

The p^r^sident	L^t^ Vaughan
Dep^t^ presiden	Cap^t^ Dainel
m^r^ Ric : Martyn	E : Stileman sec^ta^

Agreeed that a warr^t^ be drawen up & sent to every of the Select men w^th^in the foure Townes to take a List of the Names & estates of theire respective Inhabitants according to theire Usuall manner of making Single Country rates & send in to the Council by y^e^ 16^th^ Instant, coppie of the warr^t^ follo.

To the Select men of Dover. &c.

In his Maj^ties^ Name

you are req^r^ forthwith to take a list of the Names of yo^r^ Inhabitants together w^th^ y^e^ vallue of theire Estates after the manner as you have been wont to doe for y^e^ making of a Single Country rate & deliver the same to one of the Council w^th^ you, in season to be brought

in to y^e president & council for New-Hampshire at theire sitting on the 16^o day of this Instant ffebr: ⁻ in portsm^o hereof you are not to faile

℔ Ord^r of the Council E: S Secrt. ⁻

dat: in portsm^o y^e 4^th ffebru: ⁻ 1679

John Baker & phillip Duley being brought before y^e Council, the s^d Baker for Slocking away s^d Duley who had hired himselfe with M^r John Cutt Sometime before to be as a seaman in his ship Und^r a pretence of an Indentu^r s^d Baker exhibited before y^e Council which Indent^r was antidated severall dayes before his first agreem^t w^th said m^r Cutt as by his owne confession and y^e testimony of John Barsham & Robert Williams, on purpose to deceive, as alsoe for his contemtuous carriage before y^e Council together w^th his threetinng of them that he had not Justice he would try his case In England./ Sentence him to be committed, & forthwith sent to prison & to Indure a m^os Imprisonm^t w^thout baile, or to redeeme the same by paying a fine of 50 shill in money & all Costs & to be ffed with bread & water, prisson^rs faire./

And s^d phillip Duly for telling of Severall Lyes in y^e face of y^e Council thereaboutes, & making of contracts first to one & then to another before he had ℔formed the first engagem^t Sentence him to be forthwith whipped to y^e Numb^r of ten Stripes on y^e bare back:, which accordingly was ℔formed./

George Harrisson being Complained of by y^e Selectmen of portsm^o for that he had bought a serv^t woman Viz^t Hester Ward out of Cap^t Woodlands ship & Left her upon y^e Towne of portsm^o to be at charge to maintaine her. — made this Answ^r y^t he had sold her to Zack: Trickie but it not appearing — The Council ord^rs that y^e s^d Harrisson take care of her, & secure y^e s^d Towne from being at charge, & Right him selfe in a course of Law Upon s^d Trickie./

The Virdict of y^e Jury of Inquest concerning y^e untimely death of Mathew Quire brought in & put on file of y^e councill Records.

portsm^o y^e 16: of ffebr: ⁻ 1679

At a meeting of y^e Council y^e p^rsident & Dep^te p^rsident p^rsent

Job Clements esq^r being Chosen one of y^e Council for y^e filling up theire Number, tooke y^e oath of alleigiance Supremacie & oath of his office

The Council being informed of y^e Great Neglect of y^e present Constables and Sundry other y^e Constabls in the severall Townes within this province in gathering there respective summes committed to y^m for y^e discharge of y^e warr, & satisfiing the Townes & Counties

engagem^{ts} to their ministers & other disburstm^{ts} for y^{e} Townes Use, doe order & enjoyne all & every Such constable & Constabl's in each towne that are behinde upon y^{r} utmost ℔ill that by y^{e} 13th of march Next they see & gather in the same & cleare up all y^{r} acco^{ts} wth y^{e} severall Tress^{rs} & Select men that they were & have been directed by Warr^{t} in y^{e} p^{r}misses to doe & make it so to appeare before those of the Council in each Towne where such are behind, as befores^{d} on paine of themselves & estates being distreined on for y^{e} Satisfacc'on y^{r}of & further if y^{e} Constables cannot find estates, they are to distreine on y^{e} ℔sons of such & y^{m} to carry before those of y^{e} Council in y^{r} respective Townes to be ordered to worke y^{e} same out, or otherwise according to their discretions, The Council also doth declaire, that if any ℔son or ℔sons shall thinke themselves aggreeved referring to y^{e} warr rate, after y^{t} they have paid y^{e} same, that such Just compla^{ts} shall have a hearing by them, & if it appeares to them that any person is Injured by over rateing or otherwise respecting to y^{t} concerne they will cause restitution to be made to him or them so greeved allwayes provided y^{t} if it shall appeare to them y^{t} his or theire Complaint be found Unjust he or they shall pay the Charge./

To the Constables of &c^{r}

you are req^{r} in his Maj^{ties} Name forthwith to acquaint yo^{r} present Select men wth this ord^{r} of y^{e} Council whereby you may receive fro$^{\bar{}}$ them Instruction & direction who of yo^{r} fformer Constables are behind in y^{r} rates that by you they may be advised to attend y^{e} ord^{r} as above faile not hereof at yo^{r} ℔ill

An act made for the Calling of A Gen:$^{\bar{}}$ Assembly:

Wee the president & Council of his maj^{ties} province of N-Hampshire being reqrd by o^{r} commiss'on to call a Gen$^{\bar{}}$ Assembly of y^{e} said province and it being left to us to Judge & detirmyn w^{t} persons shall chuse y^{r} deputies for the s^{d} Assembly — Doe hereby ord^{r} & declaire in his Maj^{ties} Name that the ℔sons hereafter named in the severall Townes shall meet together on y^{e} first day of march nex by 9 of the Clock in y^{e} morning & having first each of y^{m} taken y^{e} oath of alleigiance (if they have not taken it Allready) w^{ch} oath is to be Administred by the member or members of the s^{d} Council there resideing) chuse from among themselves by y^{e} majo^{r} Vote given in in writing not exceeding the Number of three persons w^{ch} persons so chosen, are to appeare at portsm^{o} on y^{e} 16th day of march following by 9 a clock there to attend his maj^{tes} service for y^{e} concernes of the said province of N-Hampshire, provided, that wee do not intend that w^{t} is now done be presidentiall for y^{e} future, & that it shall exteend Noe

farther then to y^e^ calling this first Assembly that they being conven'd may as his maj^ties^ Letters pattents direct make such Laws & constituc'ons in this & other respects as may best conduce to y^e^ weale of y^e^ whole, And wee doe further ord^r^ y^t^ the Constable or Constables in y^e^ severall Towns shall publish this writt, & warne all the persons concerned, to attend theire duties as is above expressed, & make a true Returne Und^r^ y^r^ hands of y^e^ Names of y^e^ persons soe chosen, further it is ordered by this Council y^t^ no man shall Vote for deputies but such as are menc'oned in this List upon penalty of paying a fine of five pound, & y^t^ no man put in but one vote for one man, & y^t^ they doe not cut quite through the names they write in theire papers, Also y^t^ those of y^e^ Councill in portsm^o^ Dover Hampton & Exceter see the respective meetings in the severall Townes where they Live Regulated in all y^e^ p^r^misses according to y^e^ Councils true intent therein / y^e^ List of Names : follows.

portsm^o^ Jn^o^ Cutt : p^r^sident
Ric : Martyn
W^m^ Vaughan } esq^rs^
Thomas Dainel
E : Stileman

m^r^ Jos : Moodey
John pickerin
Tho : Jackson
Geo : Bromhall
pet^r^ Glanfields

Sam : Whidon	An^o^ Ellens	W^m^ Cotten
Jn^o^ Whidon	Jn^o^ Jackson not appeared	MarkeHunking not appeared
Ric : Shortridge	Hen : Savidge not appeard	John Dennet
John ffletcher	Ric : Jackson	John Partridge
Reu : Hull	John ffabes	Jn^o^ Seaward
Sam Keaise	W^m^ Ham	Tho : Harvey
Obadi : Morss	Geo : Lauers	Jn^o^ Tucker
Jn^o^ Shipway	W^m^ Hearle	Jn^o^ Cotten
Jn^o^ Hunking	Jn^o^ Moses	Hen Beck not appd
Jos : Walker	Tob : Leare not appd	Ric : Sloper
Jn^o^ Sherburn sen^r^	Jn^o^ westbrooke	Jn^o^ Brewster
phil : Lewis	Jn^o^ Johnson	Mathi : Haines not ap
Sam : Haines sen^r^ not ap	Sam Haines Jun^r^	walt^r^ Neale
Leon^d^ weekes	Nath : Fryer	Jn^o^ ffoss
Geo : Jaffray – not appeard	Jn^o^ Lewis —	Sam wentworth
Jn^o^ Clarke not appeard	w^m^ Lux	Tho : parker
James Leech	Jn^o^ ffabes sen^r^ – not appeard	Jn^o^ Hinckes
Rob^t^ Elliot	Hen : Sherburne	Geo : Wallis
James Rendle	Nath : Drake	Jn^o^ Odiorne
An^o^ Bracket	W^m^ Seavey Sen^r^	Tho : Seavey
	Rob^t^ Purrington	

Hampton

m^r^ Seaborne Cotten	Nath : Batchelour	Jn^o^ Browne Sen^r^
Nath : Boulter sen^r^	Moses Cox	Jn^o^ Clifford Sen^r^
Jn^o^ Clefford Jun^r^	Hen : Dowe	Godfry Dearborne
Tho : Dearborne	Hen : Dearborne	Abr Drake Sen^r^
Gersha : Elkins	W^m^ ffuller	W^m^ ffifeild sen^r^

Benj : ffifeild
Edw : Gove
Jn° Knowles sen^r
Ens : Moore
Jn° Moulton
Abra^m perkins
Tho : ffilbrooke
Jn° Sanburne
W^m Sanburn Sen^r
Rob^t Smith
Tho : Sleeper
An° Taylour
Tho : Wiggins not app^d
Tho : webster

Hen : Greene
Morrice Hobbs
Tho : Lovet
W^m Marston
Jn° Marian
Isaac perkins not ap^d
Hen : Robey
Isa : Marston
Sam^l Sherburne
Jn° Smith – Coop^r
Josh : Shaw
Dan : Tilton
Nath : Wyer
Jos : Smith

Isaac Godfrey
Timo : Hilliard
Tho : Marston
Jos : Moulton
Tho Nudd
ffran^s page
Jn° Redman sen^r
Hen : Moulton
An° Stanniel
Jn° Smith – Tal^r
Ben : shaw – not app^rd
And : Wiggins
Tho : Ward — not app^d
Sam^l Dalton esq^r

Exceter

m^r Sam : Dudley
Moses Gilman sen^r
Rob^t Smart Sen^r
Hump : Wilson
Edw : Smith
Daniel Gilman
Cap^t Tippin

Jn° Gilman esq^r
Jonatha^n Robenson
Kinsman Hall
Edw : Gilman
Ric : Scamon
Jonath : Thing
Edw : Hilton

Rob^t Wadleigh
John ffolsom Jun^r
Ralph : Hall
Sam^l Levit
Moses Levit
pet^r ffolsom

Dover

Major^r Ric : Waldron
Job : Clements
} esq^rs
× Hump : Varney
Tho : whitehouse
Tho. Roberts
Jn° Tuttle
Tho : Chesley
Jn° ffoss
Jn° Ham
L^t pet^r Coffin
w^m Horne
Jn° Gerrish
Jos : Hall
w^m ffurber sen^r
Jn° Woodman
James Huggins
Jn° Bickford sen^r
John Rand
Charles Adams
× James Bunker

m^r pike
Jn° Hall sen^r
× James Nute Sen^r
Jn° Hall Jun^r
× L^t pomfret
Jn° Roberts Sen^r
phil : Chesley Jn^r
Hen : Hobs
× Rich : Oates
Jn° Heard sen^r
Jn° Church
× Jn° Wingett
Hen : Langstar
An° Nutter
Steven Jones
James Smith
John Hill
Tho : Edgerly
Jn° Meader sen^r
Jn° Davis sen^r
× w^m : ffollet

Jn° Dam : Sen^r
× Thom : Austin
× James Nute Jun^r
Jos : Canny
phil Cromwel
Jos : Beard
Rich : Carter
Benj : Heard
Eld^r wintworth
Rob^t Evens
Jn° Evens
Ric : Waldren Jn^r
Jn° Dam : Jun^r
w^m shackford
× Rob^t Burnham
Benj : Mathews
John Alt
w^m perkins
× Jos : Smith
Nic : ffollet not appeard

Note that all the above named have taken y^r oathes Except those that have this mark × ag^t y^m

The president & Council having seriously Considered y^t weightie Charge lying upon all y^t feare God to acknowledge him in all y^r waies,

inforced by y^t^ Gracious promise of having y^r^ pathes directed by him, being also Incouraged by y^e^ good Success that y^e^ people of God have mett with when they have assembled themselves to seeke y^e^ Lord by fasting & prayer a right way for themselves, theire little ones & y^r^ substance, considering also y^t^ y^e^ Unchangeable god w^ch^ is y^e^ auther & orderer of all y^e^ changes that pass ov^r^ ou^r^ heads can only bless them to us, being likewise not unmindful of the many sins y^t^ are amonge us w^ch^ may Justly provoake y^e^ Lord to come in his anger & displeasure ag^t^ us, & feeling y^mselves how Insoficient they are for so weightie a charge in poynt of Goverm^t^ as is now Laid Upon them, & considering how highly wee are engaged to pray for gods blessing upon o^r^ gracious King & all his weightie concernes for the advancem^t^ of y^e^ Gosple & y^e^ Good of all y^e^ people und^r^ his royall ℘tection Doe upon these & such Like Considerac'ons appoynt the 26^th^ day of this present month to be kept by all y^e^ Inhabitants of this province as a day of Humiliation before y^e^ Lord, humbly to Implore his gracious Majestie to pardon & purge away all o^r^ Iniquities for his Names sake to direct & assist themselves in y^r^ endeavo^rs^ to seeke y^e^ weal of y^t^ part of Gods Israell Committed to y^r^ care, to revive his owne worke and maintaine his owne cause & Interist in y^e^ midest of us, to continew o^r^ precious & pleasant things to us & bless us w^th^ peace and prosperitie w^th^ o^r^ Neighbo^rs^ in y^e^ several Collonies near us together w^th^ all y^e^ Churches of Christe abroade, & in a Speciall manner y^t^ he will Smile upon us w^th^ refferrence to y^e^ meeting of the Gen^r^ Assembly y^t^ y^r^ agitations & conclusions may be fo^r^ o^r^ good, That he will favour us in respect of the Spring & seede time ensuing, & in all things doe for us & for o^r^ Children after us as y^e^ matter does require, And for y^t^ end doe Inhibit all servile Labour on y^t^ day, & Commend it to y^e^ Elders Churches & people that they prepare and applie themselves unto a diligent humble & hearty attendance to all y^e^ duties of y^e^ same :/

Richard Martyn esq^r^ is chosen Tressurer for this province during y^e^ pleasure of the president & Council./

John Roberts of Dover is chosen head m^r^shall of this province & Hen: Dowe of Hampton Und^r^ him./

Richard Scammon Complaining that George Jones did much trespass upon him as at Large in his petition put on file may appeare. The Council ord^rs^ that a warr^t^ be sent to y^e^ Constable of excet^r^ to cause him to forbeare, & bring him to answ^r^ for so doing on the 16^th^ day of march next

At a Gen$^{\bar{l}}$ Assembly held in portsm^{o} in the province of New-Hampshire y^{e} 16th day of march $16\frac{79}{80}$
p^{r}sent of y^{e} Council
Ric: Waldron esq^{r} dep^{te} p^{r}sident

Richard Martyn
W^{m} Vaughan
Tho: Dainel
Xtoph^{r} Hussey
} esq^{rs}

Jn^{o} Gilman
Elias Stileman
Sam: $^{\bar{l}}$ Dalton
Job: Clemonts
} esq^{rs}

The Deputies

m^{r} Rob^{t} Elliot
m^{r} philip Lewis
m^{r} Jn^{o} pickerin
} ports$^{\bar{l}}$

m^{r} Ant^{o} Scamon
m^{r} Tho: Marston
m^{r} Edward Gove
} Hamp^{t}

L^{t} peter Coffin
L^{t} An^{o} Nutter
m^{r} Ric: Waldren Jn^{r}
} Dover

capt Barthol: Tippin
L^{t} Ralph: Hall
} exet^{r}

Sundry Laws & ordinances made at this Sessions & are in another book for that purpose./

Jn^{o} Winget being bound ov^{r} to appeare before y^{e} Council to Answ^{r} for that w^{ch} he said to Majo^{r} Waldron that himselfe had been rated 17^{ll} and Majo^{r} Waldron was rated but 21^{ll} & some other words tending to y^{e} slandering of those y^{t} made y^{e} rates before a house full of people Said winget acknowledged before y^{e} Council that he did say y^{e} words he was charged wth in the warr^{t} & doth confess that he spake y^{m} Unadvisedly & was very sorry for them, wth w^{ch} y^{e} Council was satisfied.

The Council being informed of 3 boyes of Dover that ran away fro$^{\bar{m}}$ there masters being taken againe & bound ov^{r} to answ^{r} before y^{e} Council The Council referrs y^{e} Issuing y^{r}of unto majo^{r} Waldron & m^{r} Job Clements to heare & detym̃n when they shall see cause to call them

17th ditto M^{r} Edward Randolph came before y^{e} Councill Informing them that he had seazed a ship in y^{e} River for the King, & y^{e} master at y^{e} same time complaining that m^{r} Randolph had done him much Injury to stop his Vessell when he had broken no Law of his maj^{tie} in any Kind for y^{e} Issuing whereof m^{r} Randolph desired a triall by a Jury, w^{ch} was granted him, provided both $^{\text{pt}}$ies would Joyn Issue & bind y^{m}selves in 50^{ll} bond apeece wth sufficient security to pay all costs of the sute :

18th ditto The said master came before y^{e} Council & desired y^{t} y^{r} might be an Issue of his case, whereupon y^{e} Council sent to m^{r} Ran-

dolph to acquaint him w^th^ the masters Solicitac'on for an Issue, who appeared & desired a Coppie of some papers that y^e^ s^d^ master left w^th^ y^e^ Council yesterday (as he said they promised him) the Council replied that if he would enter his acc'on and come to a triall he might have any Coppies that were w^th^ them or if said Randolph would give a Coppie of his papers & parchm^ts^ he had shewed y^e^ Council & received back againe that y^e^ master might have them as he desired, else they thought it but reason y^t^ y^e^ master should have his papers againe w^th^out giveing Coppies as m^r^ Randolph had his

On petition of Marke Hunking master of y^e^ Ketch providence that the Council would be pleased to grant a Speciall Court for y^e^ Issuing of the differrence betweene himselfe & m^r^ Randolph aboute y^e^ seazure of his Vessell The Council grants the petition^r^ his petition & appoynt Tuesday Next to heare y^e^ case & ord^r^ y^t^ a warr^t^ be given by y^e^ Secretary to y^e^ Counstable of portsm^o^ to sommons a Jury out of his precincts of 12 men to attend that service on y^t^ day by 9 a clock in the morning : /

Marke Hunking binds himselfe to y^e^ Treas^r^ of this province in a bond of ten pound to pay all y^e^ charge of y^e^ sute while in triall

The Council ord^r^ that y^e^ present Secretary shall grant all warr^ts^ & attachm^ts^ untill they shall take further order : / secr^t^ to grat warr^ts^ &c.

you Sweare by y^e^ Living God that in the Cause or Causes now Legally to be committed to you by this Court you will true triall make & Just Verdict give therein according to y^e^ evidence given you & y^e^ Laws of this province or in defect thereof the Laws of England so helpe you God./ Jury of Trialls oath

you J : R : being chosen Head marshall for y^e^ province of N-Hampshire doe Sweare by y^e^ ev^r^ Liveing god that you shall performe doe & execute all such Lawfull commands as shalbe directed to you from lawfull Authoritie constituted by his maj^tie^ in this province w^th^out favo^r^ fear or partiallity according to yo^r^ best abillity & the Laws here established so Helpe you God : / marshalls oath

John Roberts & Henry Dowe tooke y^e^ oath for marshalls in this province

you Sweare by y^e^ Living god y^t^ y^e^ evidence you shall give to this Court concerning the Cause now in Question shalbe y^e^ truth the whole truth & nothing but the trueth so Helpe you God./ oath of witnesses

The Council finding a necessity of prisons & Keepers for them for the securing of offend^rs^ & other persons for debt, doe order y^t^ y^e^ prissons allready at Hampton Dover & portsm^o^ shalbe for y^e^ same Use still, & Jn^o^ Souter of Hampton & Jn^o^ Tuttle of Dover & Richard Ab-

bet of portsm° be & are Impow^red prison keepers to y^e severall prisons in y^e respective townes where they dwell : & to receive all prissoners as shall be Committed to them by authority & this to Continew during the pleasure of the Council./

George Jones appearing before the Council to Answ^r to m^r Richard Scammons compla^t as by his petition at Large y^e first of march last The Complaint was deliberate read unto him, & all evidences there aboutes produced by w^ch y^e complaint was fully proved

In y^e examynation of y^e case the Council finds s^d Jones guilty of a trespass done to s^d Scammon & of severall Lies & Slanders & a man of very Ill behaviour./

1 Sentence that m^r Scammon shall & may take off all those staves and Timber that be upon y^e Land w^thin y^e Line, w^ch s^d Jones said he would not remove before y^e case was heard./

2 ffor Lying & Slandering Sentence to be whipt to y^e Numb^r of 5 stripes or redeeme it by a fine of 10^s money — he p^d his fine.

3 : for his Ill behavio^r in thretening words & carriages since (the breach of his bond at Salsbury Last) that y^e Council asserted this Gov^rm^t Sentence to be bound to y^e good behavio^r & to continew until the quart^r Sessions or Court at Hampton the first Tusday in Sept^r next & then to appeare & if in case he shall Ill behave himselfe in y^e meane time towards any ℔son or ℔sons especially towards m^r Scammon & his famyly, That then any one of y^e Council upon Legall prooff may & are hereby Impowered to Committ him to prison without bale or mainprize there to Continew during the Court or Councils pleasure & pay costs in money or as money Viz^t

	£	s	d
to m^r Scammon — — — — — —	02 :	5 :	6
to y^e Treasu^r — — — — — —	01 :	0 :	0
to Constab^ Thing for his troubl — —	00 :	10 :	0
m^r Scammon responds for this :	03 :	15	6

It is ordered by y^e Council that Richard Waldren esq^r dep^te president & Richard Martyn esq^r w^th two whome y^e dep^ties shall appoynt to Joyne w^th them to give thankes in y^r behalfe to y^e Rever^d Joshua Moodey for his gr^t paines in his Sermon preached before them on Tuesday the 16^th of this Insta^t march & desire him to print his Sermon or give them his noats & they will print it

It is ordered that all y^e Inhabitants from w^m Seavies to Sandy beach to Little harbo^r shalbe und^r y^e Comand of y^e Cap^t of y^e fort on Gr^t Island & to be called forth by him to y^e exercise of Armes, & such Exegents as may happen on any allarum at s^d ffort : /

At a Speciall Court held in portsm° New-Hampshire by the president & Council y^e 23^d of March $16\frac{7}{8}\frac{9}{0}$ being Tuesday : /

Jury

m^r Nath : ffryer	m^r Jn° ffletcher	
m^r John Hinckes	m^r Sam : Kaiese	
m^r George Jaffray	Jn° Tucker	Legally called
m^r Thom^s : Harvey	Rich : Jackson	& Sworne &
m^r John Shepway	Obadi : Morss	
m^r Reu : Hull	Nehem : partridge	

Lib^tie Granted to y^e plan^t & defend^t to challenge any of y^e Jury neither p^t nor def^t objected ag^t any but declaired y^mselves Satisfied

Gra^t Exem^n 4 Novem 1680

Marke Hunking Comand^r of Ketch providence p^t against Edward Randolph esq^r defen^t in an acc'on of the case, for going on bord s^d Ketch & putting y^e broad arrow upon his mast reporting he had Seazed y^e s^d Ketch as forfeited to y^e King, thereby obstructing his Voyage & causing him to Lye upon demurage to his Gr^t dammage This case was pleaded in y^e presidents house & all the evedences read that p^l & defen^t had to say & then Committed to y^e Jury./

Jury finds for y^e p^l $5^{ll} : 6^s : 8^d$ damages : & cost of Court $8^{ll} : 2^s : 6^d$ mony

The Council ord^rs that m^r : Randolph shall have all his papers & parchments he put into Court in the case betweene him & Mark Hunking the Secretary taking Coppies & Keepe on file

Edw : Randolph esq^r being called before y^e Council to answ^r for his saing when he was pleading of his case aga^t Marke Hunking, being asked where the Earl of Danby was — Answ^rd that he was hanged for ought he Knew, The w^ch the Council takes as a greate reflection upon such a greate Minister of State :

Unto w^ch m^r Randolph said by way of acknowledgem^t that it was a suddaine & a rash Speech being Spoken in such a publick Assembly, and was sorry for it, & desired it might be passed by, where with y^e Council was satisfied & dismist him

March 24 : 1680

Cap^t Walt^r Barefoote appearing before y^e Council & Examyned by w^t pow^r he set up a paper on y^e Great Island concerning Costoms to be entred with him, or whether he did set up such a paper there that All persons should enter with him : /

Answ^rd that he did set up such a paper & must owne it dismist & orderd to appeare to morrow :/

24 : ditto Capt Waltr Barefoote appearing before the Council his Indictmt was read unto him

1 That you have in a high & presumtuous manner set up his Majties office of Costoms declaired it by a paper in a publick place on Grt Island for all ꝑsons concerned to come to make yr entries with you at their ꝑil, Not having Leave first from ye president & Council of this province so to doe, wch shews high contempt, being Since his majties authority was set up in this place

2ly That hereby you have disturbed & obstructed his majties subjects both in greater & smaller Vessells, & such as pass but from towne to towne & harbor to harbor Neare adjoyning on there occasions, but must enter & take theire passes wth & from you, as proved by Testimony

3ly Yor peremtory Answrs That when any question was asked you, you would Answr My Name is Walter./

Sentence to pay a fine of ten pound in money forthwith & stand comitted untill it be paid

Council ordr that Capt Barefoote shall have his Commiss'on & Instructions he received fro m r Randolph returned him ye Secrt taking Coppies of ym

An act past by the Council & assembly to write to ye Govr & Council of the Massachusetts : drawen up as ffollows :

To ye much Hond: ye Governr & Council of ye Massachusets Collony to be Comunicated to ye Gen Court in Boston:

portsmo in ye prov of N-Hampshire ye 25th March 1680

The Late Turn of providence made among us by ye all ordring hand hath given occasion for this present applicac'on, wherein wee crave leave as wee are in duty bound

1 Thankfully to acknowledge yor Grt care for us & yor kindness towards us while wee dwelt undr yor shadow, owning orselves deeply obleiged yt you were pleased upon or earnest request & Supplycac'on to take us undr yor Govrmt and ruled us well whilst we so remained so yt we cannot give ye least countinance to those reflections that have been cast upon you as if you had dealt Injuriously with us.

2ly That no dissattisfac'on wth yor Govrmt, but meerly or submission to divine providence & obedience to his Majties Command to whome wee owe alleigiance wthout any Seeking of or owne or desire of change was ye only cause of or complying with that prsent seperation from you that wee are now Undr, but should have heartily rejoyced if it had seemed good to ye Lord & his majtic to have settled us in ye same capasity as formerly :

3ly And withall wee hold orselves bownd to signifie yt it is or most Unfeigned desire that such a mutuall correspondencie betwixt us may

be setled as may tend to y^e^ Glory of god the hon^r^ of his Maj^tie^ whose subjects wee all are, and the promoting of y^e^ Common Interist & defence against y^e^ Common enemy that thereby o^r^ hands ma'be Strengthened being of o^r^ selves weake & few in Number, & y^t^ if y^r^ be oppertunity to be any wayes Serviceable unto you we may shew how readie wee are thankfully to Imbrace y^e^ same :

Thus wishing y^e^ p^r^sence of God to be with you in all yo^r^ administrac'ons & craving the benifit of yo^r^ prayers, & endeavo^rs^ for a blessing Upon the heads & hearts of us who are seperated from o^r^ brethren we subscribe

Whereas his Maj^tie^ by his Le'rs : pattents hath Given express charge & comand to y^e^ president & Council of this province for y^e^ seteling of the Militia in y^e^ hands of y^m^ that may be best qualified for o^r^ defeence.

Richard Waldron esq^r^ is by the Council Chosen Majo^r^ Gen^l^ ov^r^ all the fforces of ffoote & horse &c. w^th^in this province & to have Commiss'on drawen up & Signed by the p^r^sident & seale of the prov^ce^ affixed

And it is further ordered that y^e^ persons hereafter menc'oned shalbe commissionated und^r^ y^e^ Seale of the province for y^e^ mannagment of the Militia in y^e^ severall Townes, & that y^e^ p^r^sident with y^e^ Secr^t^ draw up & affix the seale of y^e^ province to all commiss'on officers

for portsm^o^

Cap^t^ Thomas Dainel
L^t^ Walter Neale
Ens: Jn^o^ Hunking

for Hampton

cap^t^ Xtop^r^ Hussey
L^t^ Jn^o^ Sanburn
Ens: [no name given]

for Dov^r^

Maj^r^ Richard Waldron
L^t^ peter Coffin
Ens: John Davis

fo^r^ Exceter

cap^t^ Jn^o^ Gilman
L^t^ Ralph Hall
Ens: W^m^ Moore

for y^e^ fort

Cap^t^ Elias Stileman
L^t^ Nath^ll^ ffryer.
Ens: Nath: Drake.

} The chiefe officer in each company to chuse theire inferio^r^ officers

ord^red^ That there shalbe for present but one Troope in the province consisting of Sixtie Troop^rs^ besides the officers

for y^e^ Troope

cap^t^ John Gerrish
L^t^ An^o^ Nutter
Cornet. Sam^l^ sherburn

It is ordered by y^e^ Council that if there be any Troopers that have served und^r^ the Command of John Gerrish or in that troope of Norfolke they shalbe at theire Liberty to continew or not in y^e^ service of Troop^rs^ any Longer they Listing themselves ffoote souldiers in y^e^ townes of theire present residence, And also such as are alreadie Troopers in this province are anew to List themselves und^r^ Cap^t^ John Gerrish, & such others as are quallified according to Law for y^e^ filling up y^e^ s^d^ troope to y^e^ Numb^r^ of 60 – besides officers as abovs^d^.

At a meeting of y^e^ Council Apr$\bar{}$ 1: 1680

The president & Council of N-Hampshire taking Notice of his Maj^ties^ Comand to his foreigne plantac'ons referring to y^e^ act of trade and Navigation w^ch^ are punctually to be observed by all his Maj^tes^ subjects in the severall Collonys in New-England,

Doe therefore ord^r^ & enact that henceforth all masters of ships Ketches & other Vessels coming from foraigne parts into any of o^r^ ports within this province or doe saile from hence doe w^th^out Coven or fraud yeild faithfull & constant obedience to his maj^ties^ Laws & ordinances for trade and Navigac'on that are published in y^e^ book of rates according to y^e^ true Intent & meaning of them, & y^t^ they doe from time to time repaire to y^e^ president & thence to such other officer or officers as shalbe by him & y^e^ Council appoynted to make entrie of theire ships & Vessells, & to give bond & take theire dispatches as in y^e^ s^d^ rates are provided on penalty of suffering Such forfeiture cost & dammage as by y^e^ s^d^ acts are perticulerly expressed

℔ ord^r^ of y^e^ Council E: Stileman Secr^t^ :

portsm^o^ in N. Hampsh : Apr$\bar{}$ 1 : 1680

M^r^ Ric : Martyn is chosen & appoynted to take entry of all ships & Vessels from foreigne parts & to give dispatches & to see to & looke after y^e^ act & trade of Navigac'on

Cap^t^ Elias Stileman is appoynted to receive the powder & Costoms as formerly./

Jn^o^ Tucker is appoynted to y^e^ office of water baley & to be marshalls dep^te^ only in this Towne of portsm^o^/

The Assembly & Council adjourns to the first monday in June next

At an Adjournem^t^ of the Council & Gen$\bar{}$ Assembly of the province of N-Hampshire held in portsm^o^ y^e^ 7^th^ of June 1680 being monday

fferrys It is ordered y^t^ all y^t^ keepe fferrys w^th^in this province shall cary to and fro w^th^out any pay all or any of the Council Dep^tes^ for y^e^ Gennerall Assembly Jurymen w^ch^ are upon y^e^ Service of y^e^ province;

& all Troop^{rs} in y^{r} common & gen^{ll} musters shall pay but 3^{d} horse & man & ffoot Soldiers only at a gen^{ll} Muster shall pay one penny a person./

Clarkes to gath^{r} in y^{r} fines.

Ordered by y^{e} Council that all Clarkes belonging to y^{e} horse and ffoote wthin this province are hereby continewed in y^{r} places & are reqrd forth with to gather in & give an acco^{t} to y^{e} cheife officers where they doe belong, of all fines comitted to them to gather before this change of Goverm^{t}; & that a warr^{t} be sent to m^{r} Natha^{ll} Waire Clarke of y^{e} Troope to gather in those fines committed to him from such persons Troop^{rs} as are wthin y^{e} two Townes of Hampton & Exceter w^{ch} did belong to Norfolke Troope, & give acco^{t} to the Council, & the secretary is to send Coppies of this orde^{r} to y^{e} cheife officer in every Towne, And where any Clarke cannot find estate he is hereby Impow^{r}ed to take theire bodies & carry to prison Until it be paid or during y^{e} pleasure of the Cheife officer, & all prison Keepers are to receive them into y^{r} Custodie & them safely to keepe at theire ℔ills

gra:ll Execu:ll 8 June 80.

James Browne came before the Council & confest a Judgem^{t} of 5^{ll}: 3^{s}: 6^{d} in money due unto John pickerin./

L^{t} pomfret is granted a Licence to sell Liqu^{r} by retaile wthin & wthout dores of his owne distilling & Cider of his owne groth./

prison keep^{rs} Sallery.

Agreed wth John Tuttle to keepe y^{e} prison at Dover for w^{ch} he is to have 4^{ll} ℔ annim beg'ing his time y^{e} 20th day of ffebr:ll now last past, the like summ to be allowed to y^{e} rest of y^{e} prison keep^{rs} wthin this province; Viz^{t} Jn^{o} Souter of Hampton & Rich: Abbet of Gr^{t} Island./

M^{r} Rob^{t} Wadleigh appearing before y^{e} Council to Answ^{r} for his reproachful Speeches aga^{t} the Council & Gen:ll Assembly as ℔ testimony on file

Sentence to pay a fine of 5^{ll} in money or goods equivolent & pay the m^{r}shall for fetching of him downe 12^{s} & y^{e} witnesses & ffees: 2^{s}: 6^{d} & Stands Committed untill it be p^{d}/

M^{rs} ffrances Reyner moving to y^{e} Council her great Inability to mannage her administratorship granted her, at a County Court in 1677 upon y^{e} estate of y^{e} Rev^{d} John Reyener her son partly because it was granted before y^{e} Goverm^{t} was changed & ℔^{tly} that she is alone & wants helpe, The Council therefore confirmes & establisheth y^{t} administrac'on granted & Joynes L^{t} pet^{r} Coffin wth her in administrac'on Upon y^{e} s^{d} m^{r} Jn^{o} Reyners estate & enjoyne them faithfully to ℔forme y^{e} place & office of Administrato^{rs} according to Law & Costom, and all his housen & Lands Stands bownd for y^{e} paym^{t} of his debts /

At a meeting of y^e^ Council y^e^ 10^th^ June 1680 In portsm^o^

Edward Colcord & Ann his wife being bownd ov^r^ to appeare before y^e^ Council for y^r^ disord^r^ly Liveing, Upon a full hearing of y^e^ case The Council doth ord^r^ that y^e^ s^d^ Edw : Colcord & Ann his wife shall stand bownd to y^e^ Tress^r^ of this province in y^e^ sume of 5^ll^ apeece to be of good behavio^r^ each to y^e^ other during y^e^ pleasure of y^e^ Council, & that the s^d^ Ann do attend her duty towards her said husband in the Use of y^e^ marriage bed according to y^e^ rule of gods word, w^ch^ if she refuse so to do upon complaint to y^e^ Next Court at Hampton, the Council doth ord^r^ she shalbe Whipt to y^e^ Numb^r^ of 10 : Stripes — the concil takes his owne : bond : /

Granted Licences as fformerly unto y^e^ persons Und^r^ named y^y^ paying

		ll	s	d
Jn^o^ Clarke — — 6^ll^ ℔ anim	L^t^ pomfret — —	0 :	0 :	0
Jn^o^ partridge — — 8 : ℔ :	Jos : Beard — —	3 :	= :	=
Rich : Webber — 1 : 10^s^ : ℔	Hen : Crowne — —	7 :	= :	=
Sam : ¯ sherburne — 5 : ℔	Jn^o^ Johnson — —	4 :	= :	=
Hen : Robey — — 3 : ℔	Goodw : Trickie —	1 :	= :	=

ffor direction unto the Majo^r^ over all y^e^ forces in this province & all y^e^ Military officers in theire severall Companys

The Council ord^rs^ that as a rule to them in thire severall places & discharge thereof, the Laws & ord^rs^ that formerly they have been regulated by, shalbe & continew y^e^ same till the Council take other ord^r^ in all military affaires & concerns & all the soldiers are required to yeild obedience thereunto

W^m^ Hurford for being drunke, once on y^e^ Lords day the 23^d^ of May last & the day following owned by him

Sentence to pay a fine of 5^s^ for y^e^ first & breach of Saboth 10^s^ & for y^e^ second offence, 10^s^ & pay y^e^ marshall 6^s^ & ffees : 2^s^ : 6 and stand comitted till it be p^d^ /

Mary Tibbet widow for committing fornicac'on having a basterd Sentence to be whipt forthwith to y^e^ Number of 10 Stripes or redeeme it by a fine of 40^s^ : & ffees : Jos : Canny past for her fine

M^r^ Sam^ll^ Dalton is chosen record^r^ of Hampton & Exceter.

The returne of 3 boies Viz^t^ Cornelious Tomson Benj : Johnson & Sam : ¯ Tibbets who ran away from y^r^ masters being referred to Majo^r^ Waldren & m^r^ Job Clements to examyn & Issue the^r^ returne in y^t^ affare is put on file of y^e^ Councils records./

Upon sundry presentm^ts^ exhibited aga^t^ John Waldron for drunkenness & Neglect of his calling & disord^r^ly Living also his father presenting a complaint aga^t^ him for greate abuses don to him in his age

& disobedient & rebellious Carriages w^th^ other Informations of his Vicious Living. The Council doth Sentence him to close Imprisonm^t^ during theire pleasure & that he be debarred of all company except y^e^ Keeper or others sent by authority & also from strong drinke & y^t^ one of his Leggs be constantly chained to a post & to be kept to worke as m^r^ Martyn m^r^ Vaughan & Cap^t^ Stileman or any two of y^m^ shall appoynt & if he refuse to labour he shalbe kept w^th^ prison^rs^ fare & to be whipt to y^e^ Number of ten stripes at a time at y^e^ discression of those Gen^t^ above Named & y^t^ they or any two of them shall ꝑvide him materialls to work his Trayd & to dispose of y^e^ proceed for his owne & his childrens maintainnance & livelyhood he not to dispose of any of his Labours w^thout^ the previty & consent of y^e^ Gen^t^ above named w^ch^ y^e^ prison keep^r^ is to prevent & pay officers ffees 30 shillings /

Whereas his Maj^tie^ by his Le'rs pattents sent to y^e^ president and Council of this province of New-Hampshire, hath given express command for y^e^ regulation of y^e^ millitary disapline & y^e^ arraying & mustering of y^e^ Soldiers for y^e^ defence & safety of this his maj^ties^ province

It is therefore ordered by the president & Council that all y^e^ Traine soldiers within y^e^ bownds of this province from Sixteene yeares old & upward do from time to time obey such ord^rs^ & commands as shalbe given by y^e^ officers that are Commissionated by this Goverment in y^e^ severall Townes both respecting armes & amunition and times of exercise according to y^e^ Laws & ord^rs^ y^t^ are & shall be made concerning Military affares.— And y^t^ those Troopers y^t^ were formerly Listed und^r^ command of Majo^r^ pike & now Inhabitants in this province shall have Liberty to list themselves & horses anew Und^r^ y^e^ Command of Cap^t^ John Gerrish Cap^t^ of y^e^ Troope in N-Hampshire & such as dose not List themselves Und^r^ his Command are req^rd^ to attend theire dutie, in y^e^ foote Company where they dwell on penalty y^t^ is provided for neglect in y^t^ case./

The Assembly & Council adjornes to y^e^ 12^th^ day of Octob^r^ 9 a clock:

At theire Adjournm^t^ y^e^ 12^th^ of Octob^r^ 1680

It is ordered y^t^ a Comittee be chosen for y^e^ drawing up all y^e^ Laws made by this Assembly as nere as may be according to y^e^ Laws of England & will sute w^th^ y^e^ Constitution of this province

The Comittee Chosen are — Ric: Martin esq^r^, m^r^ Sam. Dudley, m^r^ Seaborne Cotten, Elias Stileman

The Comittes returne put on file —— Ric: Martin esq^r^, m^r^ Sam. Dudley, m^r^ Seaborne Cotten, Elias Stileman

Granted adminstra : ¯ to mr peter Twisden of Isles of sholes upon the estate of John Boon deceased :

It is ordered that a warrt be sent to all Constables within this province that are behind either for warr Rates, province Rates towne or minsters rates, to appeare at ye quartr Court held in portsmo next to answr for yr neglect.

The Council & Assembly Adjourne to ye 2d Thursday in Decemr next

To his most Excellent Majtie Charles ye 2d by ye Grace of God of Engl: Scotla.¯ ffra.¯ & Ireland King defendr of ye faith &c.

The humble Addresse & petition of ye prsident & Council of his Majties provce of N-Hampshire in N-England Humbly sheweth

That it having pleased yor most excellent Majtie to seperate us the Inhabitants of this province from yt shadow of yor Majties authority and Govrmt undr wch wee had long fownd ℘tection especially in ye Late warr wth ye barbarous natives who (thrô divine ℘tection) proved a heavy Scourge to us & had Certainly been ye ruine of these poor weake plantations (being few in Number & otherwayes being undr Grt disadvantages) if or brethren & Neighbors had not out of pittie & compassion Stretched forth yr helping hand & wth yr blood & tressure defended us or lives & estates Nevr ye less upon ye receipt of yor majties pleasure delivred by Edw Randolph esqr upon ye first of January last directing unto & commanding ye Erecting of a New Govrmt in & over these foure townes (ye Govrmt of ye Massachusetts yielding ready obedience to yor majties Commands wth reference to our relac'on formrly to ym) althô deeply sensible of ye disadvantages like to accrue to yor majties provences & orselves more especially by the multiplying of Small & weake Govrmts unfit either for offeence or defence (the union of these Neighbor Collonys having been more then a little Instrumentall in or preservation) wee have taken ye oathes prescribed us by yor Majtie & adminstred to yor subjects of these foure Townes ye oath of alleigiance, & Convened a Genr¯ Assembly for regulating ye Common affaires of ye people & making of Such lawes as maybe of more peculier use to orselves having Special regard to ye acts for trade & Navigac'on set forth in ye Book of rates commonly printed & Sold, & if some obstruction occasioned by such as make great pretences of yor majties ffavor & authority had not hindred wee might have brought matters to a greatr maturity ; yet hope to perfect somthing by ye first op℘tunitie of Shiping from hence, but feared it might be to long to deferr or humble acknowledgmt of yor Majtes Grace & favour in comitting ye powr into such hands as it pleased yor Majtie to Nomynate not Imposing Strangers upon us, & it much comforts us against any pretended Claimers to or Soyl or any malevolent Spirits wch may misrep-

resent us (as they have done others) unto yo^r maj^tie or hon^ble Council while (beside y^e Knowne Lawes of y^e realm & y^e undoubted right of Englishmen) wee have y^e favo^r of a Gracious prince to fly to

wee doe therefore most humbly begg y^e Continuanne of yo^r maj^tes Royall ffavo^r & protection w^thout w^ch wee are daily liable to disturbance if not ruine : And as in duty bound wee shall humbly pray &c.

To y^e Kings most Excellent Maj^tie

Wee the p^rsident & Councill of y^e province of New Hampshire have (according to yo^r Royall pleasure) given an acco^t of o^r alleigiance & observeance of yo^r Commiss'on by m^r Jowles in march Last & y^r-fore shall not give y^e trouble of repetition, according to yo^r Maj^ties Command wee have w^th o^r Gennerall Assembly been considering of such Lawes & ord^rs as doe by divine favo^r preserve y^e peace & are to y^e satisfacc'on of yo^r Maj^ties Good subjects here, in all w^ch wee have had a Speciall regard to y^e Statute book yo^r Maj^tie was pleased to hon^r us w^th for w^ch together w^th y^e seal for yo^r province wee returne most humble & hearty thankes, but such has been y^e hurrie of o^r Necessary occasions & such is y^e shortness of o^r Sommer (y^e only Season to prepare for a long winter) that wee have not been capeable of sitting so Long as to frame & finish ought y^t wee Judge worthie to be p^rsented to yo^r Royall View, but shall as in Duty bound give as Speedie a dispatch to y^t affair as wee may In y^e mean time yo^r Subjects are at quiet und^r y^e shadow of yo^r Gracious protection, fearing no disturbance Unles by Some pretended Claimers to o^r Soyl whom wee trust yo^r Maj^ties Clemencey & equitie will guard us from Injury by & considering the purchase of o^r Lands from y^e heathen, y^e Naturall propriet^rs y^rof) & o^r Long quiet possession Not interupted by any Legall Claime o^r defence of it aga^t y^e barbarious adversary by o^r Lives & estates wee are incouraged that wee shalbe maintained in o^r ffree enjoym^t of y^e same w^thout being Tennants to those whoe can shew no such title thereunto, ffurther wee do gratefully acknowledge y^e marke of yo^r princely favo^r in sending us yo^r Royall effigies & Imperiall armes & Lament when wee thinke y^t they are (through y^e Loss of y^e ship) miscarried by y^e way & Seing yo^r Maj^tie is graciously pleased to License us to crave w^t may conduce to y^e better promoting of o^r weal und^r yo^r Maj^ties Authority wee would Humbly suggest whether y^e allowance of appeales menc'oned in y^e Commiss'on may not prove a great occasion by meanes of malligna^t Spirits for y^e obstructing of Justice among us, there are also Sundry other thing y^t a little time & experience may more evidently discov^r a greate convenience in w^ch upon y^e Continuance of y^e same Liberty from yo^r Maj^tie wee shall w^th like humylitie p^rsent — Thus craving a ffavo^rable Con-

struction of w^t^ is above suggested & praying for yo^r^ Maj^ties^ Long & prosperous Reign begging also y^e^ continuance of yo^r^ Maj^ties^ ffavo^r^ out of w^ch^ if any of o^r^ adversaryes Und^r^ a pretence of Loyalty or zeal for yo^r^ Maj^ties^ Interist should endeav^r^ to eject us wee hope upon Liberty granted us to Speak for o^r^selves wee shall abundantly demonstrate y^t^ wee doe truely & Sincerely Subscribe

Yo^r^ Maj^tes^ most Loyall & dutifull Subjects

portsm^o^ in y^e^ prov^ce^ of N-Hampshire June 11^th^ 1680 — John Cutt president w^th^ y^e^ Consent of y^e^ Councill

At a Meeting of y^e^ president & Council y^e^ 3^d^ of Nov:^r^ 1680

Edward Randolph Esq^r^ having Seazed severall peeces of Canvas w^ch^ he called french goods of m^r^ phillip Severits & s^d^ Severet complaining he had wrong done him s^d^ Randolph being then p^r^sent & could not be determyned w^th^out a triall at Common Law, The Council enjoyned s^d^ M^r^ Randolph & he promised to prosecute & bring y^e^ case to a triall at y^e^ quart^r^ Court a m^o^ hence w^ch^ if he did not the goods seazed should be deliv^rd^ back to s^d^ Siveret

At a meeting of y^e^ Council y^e^ Dep^te^ being p^r^snt Decemb:^r^ the 7^th^ 1680

The Council doth ord^r^ that y^e^ present Selectmen of y^e^ Towne of Hampton doe confirme y^e^ rate made by y^e^ Last Select men for y^e^ Schoolmast^r^ y^r^ & direct it to y^e^ Constables there to gather that soe he may be satisfied according to bargaine made w^th^ him/

Whereas that notwithstanding Severall ord^rs^ & Injunctions that have been made & Laid upon y^e^ severall Constables w^th^in this province for theire gathering of y^e^ rates that have been comitted to y^m^ to gather Respecting y^e^ warr, province townes & ministers in y^e^ respective Townes, & yet notwithstanding they have not fully attended y^r^ dutie therein.

The Council doth now ord^r^ that if y^e^ Severall Constables yet behind in y^e^ p^r^misses doe not gather in y^t^ respective rates, & Cleare w^th^ the tressur^r^, Select men, & ministers as they doe relate unto by y^e^ Sitting of y^e^ Council & Gen:^r^ Assembly the first Tuesday in march next That then execution shalbe Issued out upon such Constables estates fo^r^ satisfaccon

The president & Council w^th^ the Assembly Considering that having begun y^r^ yeare w^th^ ffasting (as y^r^ was a greate deale of cause considering how matters were Curcomstanced w^th^ us) & having had since y^t^ time much experience of y^e^ L^ds^ wonted goodness in hearing o^r^ prayers wee have thought it o^r^ duty to end o^r^ yeare w^th^ thankesgiveing & to pay y^e^ vowes that wee made in y^e^ day of our ffeares & shearchings of heart y^t^ were upon us

doe therefore ord^{r} & appoynt the 2^{d} Thursday in January next to be Kept a solemne day of praise & thanksgveing thrô out this province prohibiting all servile Labour y^{t} day to all y^{e} Inhabitants of the same, and calling upon y^{m} to enter into y^{e} L^{ds} house & bless his Name for all his mercies for this yeare past to o^{r} Nation & o^{r}selves— p^{r}ticulerly for preserving y^{e} prodistant Interist & the life of his Maj^{tie} from y^{e} plotts & designes of y^{e} popist party, for causing a good agreement betweene y^{e} Council & deputys for favouring us wth health & peace in o^{r} borders, for graciously permitting us to stand one yeare Longer in his Vineyard Und^{r} the enjoym^{t} of o^{r} Lib^{ties} & p^{r}viledges both Civil & Ecclesiasticall, and for affording us a competence of y^{e} fruites of y^{e} earth fo^{r} our maintainance, for all w^{ch} & for all y^{e} rest of his kindnesses (to many for us to reccon Up in ord^{r} before him) wee account y^{e} L^{ds} Name worthy to be praised, & doe advise to heartiness & seriousness in this duty soe y^{t} y^{e} fruite of o^{r} Lipps being offered up (thrô him) as alsoe the fruite of o^{r} lives by a right ordering of o^{r} conversation wee may see more of Gods Salvation, goodness & mercie may follow us & o^{rs} & wee may dwell in y^{e} house of the Lord all the dayes of o^{r} Lives there to praise him all y^{e} dayes of our Lives/.

At a Meeting of y^{e} p^{r}sident & Council y^{e} 22d of Decem^{r} 1680

The Council und^{r}standing y^{t} m^{r} Beackum had a L'er of Aturney from M^{r} Randolph to be his Dep^{te} shearcher & Informer & y^{t} he Could Inform them that the Riggin m^{r} Severit & m^{r} Nicholls ships were rigged wth were exported out of Urop & had not p^{d} Costom in England The Council sent for him, & on examynac'on he s^{d} he heard he had a L'er of Atturney but had not received it (only a privat Letter) w^{ch} he thought was gon to y^{e} Lett^{r} breaker nameing m^{r} Elliot & as to y^{e} Riggin afores^{d}, affirmed it came out of Urop but could prove nothing of w^{t} he Informed y^{m} of

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[Proceedings of President and Council from July 6, 1681 to Sept. 8, 1681, taken from State Papers, Colonial, Volume 57, in Public Record Office, London, Eng.]

[Seal] All the Acts Orders and Proceedings of the President and Council of His Ma^{ts} Province of New-Hampshire in New-England since the Transmission in June last An^{o} Dom^{i} 1681.

At a Special Court of Pleas held at Portsmouth Jul: 6th 1681, by y^{e} Presid^{t} & ffive more of y^{e} Councel, viz: the Dep: President, M^{r} Martin, Capt^{n} Daniel, Capt^{n} Vaughan, M^{r} Clement.

Magnˢ White and Nathaniel ffox Plaintifs agᵗ Roger Rose Deft in an Acc'on of Trespas upon yᵉ Case, for cutting their Bowsprets, and much of their rigging.

The said Parties do referr yᵉ Trial & Determinac'on of yᵉ said Ac-c'on to yᵉ Councel.

The Parties agree, and yᵉ Suit is withdrawn.

Henry Russel of yᵉ Great Island called (being pʳsented for sell-ing Drink without license,) but appeared not.

In the Cause between White & ffox Plˢ and Rose Deft; The Councel (to whom it was referr'd) Does adjudg yᵉ Parties to pay Six poᵈ for yᵉ Costs of yᵉ Special Court; whereof ten shillˢ shal be paid to the Secr, & ten shillˢ to yᵉ Marshal.

John Amazeen Constable, for not attending yᵉ Councel upon the President's special command, was fined 20ˢ And ordered to pay the usual ffees.

Joseph Purmont being pʳsented for selling Drink contrary to Law (without licence,) And having forfeited his bond; for non appearance at Dover Court last past; was fined ffive pound, to be paid in mony, or mony price, & yᵉ fees, & stand committed till he pay.

William Hoskins and Sara Herrik, being bound over by the Depᵗ President upon suspition of Adultery committed by them; Appeared, & upon examinac'on found guilty of Great misdemeanᵖ in that kind: And tho: yᵉ Act of Adultery was not fully proved, yet by circum-stances testified by several witnesses, found very suspitious, & pʳsum-able to have bin com'itted: The Councel orders, That the sd Will Hoskins shall receiv 30 stripes on yᵉ bare back or pay ten pound ffine in mony, or mony price, & ffees: & stand committed til pay-ment by him made. In like manner Sara Herrik is Sentenced to have 20 stripes, o [r] redeem it by paying ffive pound mony, or mony price; with ffees; & to stand committed til payment.

The father of yᵉ sd Sara Herrik viz: ffrancis Rand, ingaged to yᵉ Treasurʳ for payment of her sd ffine.

Two Seamen, petic'ononing agᵗ their Mastʳ Shilleto for ill usage & want of their wages (vide yᵉ Petic'on on file:) upon examinac'on of them yᵉ sd Shilleto & others; were found to have committed great misdemeanours agᵗ their sd Master; And their Complᵗ appearing causeless, The Councel doth Order them, viz: Andrew Peterson & Hen: Aireman, to be admonished & to pay 10ˢ a peece to the Treasʳ as ffines; whereof 5ˢ to yᵉ Secr & Marshal for ffees: Which yᵉ sd Master Mich: Shilleto shal disburse for them & deduct out of their wages: And they shal go aboard, & do their duty.

Mʳ John Hunkyn, who was (jontly with others) appointed by the Committee for yᵉ laying out of land of Hen: Sherborn deceas'd, be-

ing visited with sickness, so that y^e^ others cannot act: The COUNCEL do join Samuel Case to y^e^ other persons so appointed as abov; And do impower them, or any two of them, to lay out y^e^ thirds of y^e^ sd Henry Sherborns land, for y^e^ maintenance of M^rs^ Sherborn his Relict.

THE COURT dissolved July 8^th^ 1681.

At a Meeting of y^e^ COUNCEL at y^e^ Great Island July 11^th^ 1681. WHEREAS Marcell^s^ Cock Commander of y^e^ Salamander, a Ship belonging to y^e^ Duke of Brandenburgh, Hath by his long stay in this River of Pascataqua (being about y^e^ space of three months) given occasion to y^e^ COUNCEL to think he means not wel; and that under p^r^tence of recruiting with provisions, & refitting y^e^ sd Ship, said by him to have bin disabled at Sea, the COUNCEL finds by examinac'on of y^e^ sd Cock & his Lieuten^t^ & Steersman, that he has a design to sel y^e^ Ship, cousen y^e^ Duke, & deprive y^e^ Seamen of their Wages: The COUNCEL do Order, That y^e^ said Capt^n^ Cock shal give security of 2000^l^, that he wil sail to Boston, & be within Command of the Castle there; and in y^e^ mean time cause all his sails to be brought ashore. And likewise to pay y^e^ sd Lieuten^t^ Steersman, & y^e^ other Seamen y^r^ ful wages due unto them.

A CONTRACT (or Combinac'on) in writing between y^e^ sd Capt^n^ his Lieuten^t^ & Steersman, for y^e^ sale of y^e^ sd Ship Salamander, was delivered to y^e^ Sec^r^ to be kept on record.

ALSO this Lett^r^ or note of Deputac'on from Capt^n^ Cock to M^r^ Brown, his intended Pilot to Boston (as follows) Ordered to be entred.

M^r^ BROWN, I being bound for Boston, do hereby Give you y^e^ Com'and & charge of my Ship Salamander (in my absence) and all that is in her, til my return: And to take care for y^e^ sd Ship & goods, & all that is in her, that nothing be imbezilled.

Witness my hand Marcellus Cock.

Portsm^o^ July 11^th^ 1681.

To which this subscribed Order was added.

M^r^ BROWN, you are hereby required to attend y^e^ execuc'on of y^e^ above written Order, to yo^r^ utmost power. Jul: 11^th^ 1681

By Ord^r^ Ri: Chamberlain Secr

At y^e^ Court appointed for Appeals Septemb^r^ 6^th^ 1681.

ORDERED, That, in regard of y^e^ military affairs this day, The COURT adjorn til to morrow morning nine a clock.

Septemb^r^ 7^th^ 1681.

This following Argument was ORDERED to be entred.

JOHN CUTT Son of the Hon^ble^ John Cutt Esq^r^ late Presid^t^ deceased, being under age, appeared before y^e^ COUNCEL, & manifested his de-

sire, that his Gardian Mr Reuben Hull would improve his part of ye Ship Dove, or other Vessels, by fitting, loading, & sending her or them to sea, and defraying ye charge thereof out of his estate: Which (considering the damage that may ensue by ye Vessels lying, & no opportunity of sale offering) the Overseers, who are ꝑticularly concern'd in yt matter by ye Wil of ye sd Jo: Cutt dec'sd, have given yr advice about, & approbac'on of.

The Councel grants Adm'nstrn of all ye estate, goods & chattels, rights and credits of Thomas Willy dec'sd, to Margaret Willy his Relict, & John Willy his son. Which Adm'nstrrs do ingage to adm'nster ye estate of ye sd Thomas Willy ye Intestate according to Law; And to bring in a true Inventory thereof.

Administrac'on granted of all ye goods chattels rights credits & estate of Antony Ellins dec'sd, to his Relict Abigail Ellins. And ye House and land of ye sd Ant: Ellins ye Intestate stands ingaged to her Adm'nstrac'on of ye sd Estate according to Law; & for ye bringing in an Inventory into ye next Court at Hampton. Dated Sept: 8th 1681

Adm'nstrac'on of all ye Goods chattels rights credit & Estate of John Whidon Senr dec'sd, Granted to Elizabeth Whidon his Relict, who ingaged to adm'nster according to Law: And bring in a true Inventory.

An Inventory of ye Estate of Antony Ellins dec'sd, was brought in by ye Adm'nstr Abigail Ellins; sworn, & Ordered to be filed.

An Inventory of ye Estate of Jo: Whidon Senr dec'sd, sworn and filed.

An Inventory of ye Estate of Hen: Sherborn brought into Court by Samuel & Jo: Sherborn; who having sworn to ye truth thereof (as appears on file) ingaged to bring in a further Inventory of such moveables as shal appear or come to their hands.

Ordered, in answer to ye Petic'on of Henry Russel (who was fined (upon prsentment) for selling Drink, without licence,) And in considerac'on of ye contents thereof declaring his poverty, & great age (as by ye sd filed Petic'on appears;) That ye sd Hen: Russel have licence, henceforth to keep a Cook's shop, & to sel pen'y beer, as wel out of dores, as within his shop, or house.

John Baker & Sara his Wife, of Portsmo, having bin prsented at Dover Court last, for ffornicac'on committed by them together before their mariage (and ye Presentmt with others, adjorn'd to this Court:) The sd Jo: Baker came before the Councel, & ownd the fact for himself & his wife, & express'd his sorrow for the crime: acknowledging also to stand in his Wives stead, & to satisfy ye ffine to be sentenced; which ye Councel Ordered in Considerac'on of his submis-

sion, to be ffive pound for them both (& 5^{s} ffees) in mony : And to stand committed til he paid.

Upon y^{e} sd Jo : Bakers Petic'on, & great compl^{t} therein of want of mony to make p^{r}sent satisfacc'on ; The Councel gave him Six weeks time.

Ordered upon y^{e} Petic'on of Jos : Stephenson, who had bin fined ten pound for his contempt of Authority (as appears by y^{e} filed Petic'on wherein he humbly acknowledges his fault, & craves mitigac'on of y^{e} ffine :) That five pound of y^{e} sd ten be remitted, upon his paym^{t} of five pound (& 5^{s} fees) within a fortnight.

Joseph Purmont of y^{e} Great Island, being p^{r}sented at Dover Court last for selling Drink unlicenced in a disorderly house (& y^{e} Presen^{t}men adjorned hither ;) was fined 5^{l}; Which y^{e} Councel respited duri'g pleasure upon his good behaviour.

Stephen Grasham of Gr^{t} Island & his Wife, for selling beer & flip contrary to Law ; were fined (upon Adjornm^{t} as above) 40^{s} (& ffees) in mony: But y^{e} Councel respited y^{e} sd ffine during pleasure.

Jeremy Hodsdon of y^{e} Gr^{t} Island, p^{r}sented for unlicenced selling drink at his house ; Examined upon Adjornm^{t} hither : But y^{e} matter not fully proved against him, he was discharged, paying ffees.

In like manner Samuel Rand of y^{e} Gr^{t} Island, discharged.

Upon Informac'on ore tenus by Jos : Purmont, & proof made ag^{t} Hen : Crown of y^{e} sd Gr^{t} Island, his permission of several unlawful Plays & games in his house, as Billiards, Tables, &c The sd M^{r} Crown was fined 20^{s}, & ffees.

Ordered, for y^{e} discountenancing of unlicenced persons & houses ; y^{t} Jo : Amazeen constable of y^{e} Gr^{t} Island, Do forthwith take down y^{e} sign of y^{e} Dolphin from y^{e} house where it hangs there.

Upon Compl^{t} by M^{rs} Joce of Portsm^{o} ag^{t} Will Chaplain of y^{e} Isles of Shoales, who refused to take agen his own Child (an ideot) having bin kept & maintain'd by her for above three years last past, & by reason of it incapacity, proving very burdensom & greevous to her : The sd Chaplain on y^{e} other side alleaging his inability, & y^{e} sd M^{rs} Joce her promise to keep his sd Child as her own, upon his abating 20^{s} out of wages for his Sea service by him to be done :

Ordered, That both Parties shal join, & bear an equal charge in y^{e} maintenance & bringing up of y^{s} sd Child, which shal remain in y^{e} custody, at y^{e} house of (or other place convenient provided by) M^{rs} Joce. And Chaplains 40^{l} bond (with surety) for his appearance, & abiding y^{e} Council's Order therein, shal stil stand out ag^{t} him, & be security for y^{e} same purpose.

Upon full Hearing & Debate of y^{e} Cause depending between y^{e} Daughters of Thomas Walford Sen^{r} dec'sd, and his Grandson Jeremy

Walford; And upon considerac'on had of y^e^ Last wil & testam^t^ of y^e^ sd Tho : Walford Sen^r^ y^e^ Grandfather ; & especially of y^e^ pt wherein he bequeaths a certain house & land, whereof he was seised in fee, to his Grandson Tho: Walford (since deceas'd) in general words only, without words of inheritance, or any intent appearing to give him more then a freehold (or estate for life :) It was agreed by y^e^ Councel, That y^e^ reversion of y^e^ sd particular estate rev^r^ts to y^e^ Right heirs of y^e^ Devisor (or donor,) which falls out to be y^e^ said Daughters of y^e^ sd Grandfather Tho : Walford : And They do Give Judgment for them to enter, & have possession of y^e^ land & p^r^misses in Question: And that y^e^ sd Estate be equally devided among y^e^ sd Daughters, viz ; Jane Goss, Hanna Jones, Mary Brooking & Elizabeth Savage. And do likewise Order, ffive pound to be paid (for costs in mony, or y^e^ value) by y^e^ sd Daughters to y^e^ Treas^r^ of y^e^ Province, for defraying y^e^ charge of y^e^ several Hearings of y^e^ Cause.

There being Two Places vacant in y^e^ Councel, by reason of y^e^ death of y^e^ late Presid^t^ the Hon^ble^ John Cutt Esq^r^ & that of Samuel Dalton Esq^r^, the Presid^t^ & Councel made choice of Two other persons, viz : Rich : Waldron Jun^r^ Esq, & Ant : Nutter Esq^r^, And of Two more each of them, namely to M^r^ Waldron, M^r^ Nath : Wire ; & M^r^ Peter Coffin ; And M^r^ Will More, & M^r^ Reuben Hull to M^r^ Nutter. All whose names are to be sent for England, in pursuance of y^e^ Kings Royal Com'ission.

And Ordered, That Notice thereof be given to Dover (where y^e^ abovesd R: Waldron Esq^r^ & Ant : Nutter Esq^r^ were Deputies) by Order to the Constable there, forthwith to call a Town-meeting, for the Elecc'on of Two persons to supply their Places in y^e^ Gen^l^ Assembly.

Capt : Tho : Daniel One of y^e^ Councel, assign'd Gardian to Edward West Jun^r^ an infant, son of Edw : West of y^e^ Gr^t^ Island deceased.

Henry Roby of Hampton, a Trustee for some of Geo : Walton's estate, whereof he formerly infeoffed y^e^ sd Roby in trust for y^e^ use of his son in-law Edw : dec'sd, and other uses ; Own'd the sd Trust, & that it was formerly also own'd & accepted by him.

Christ : Kenaston, for pulling down y^e^ ffence of one John Johnson (which occasioned a quarrel,) & other misdemeanours ; Sentenced to have ten stripes on y^e^ bare back ; And to pay costs of witnesses, & ffees.

Tho : Avery, for striking & wounding Will Cate, & breach of y^e^ Peace Sentenced to pay 20^s^ ffine to y^e^ Treasur^r^, y^e^ cure of y^e^ sd Cate & costs & ffees, or stand com'itted &c.

Joan Avery for being drunk, Ordered to sit in y^e^ Stocks one hour, or redeem by paying 5^s^ in mony (& ffees) or stand com'itted. She had leav to redeem & pay y^e^ five shillings.

ORDERED, That y^e^ Select-men of Dover, & those of Portsm^o^, Do forthwith take effectual care, that a Way be laid out from M^r^ Vaughan's Tanyard to Bloudy-point; And by making bridges over y^e^ gutters that way (or otherwise) to make y^e^ sd gutters passable.

THE COUNCEL taking notice of y^e^ insufficiency of y^e^ Ways from Exceter to Cacheecha; Do ORDER y^e^ Select-men of Dover, together with those of Excet^r^ forthwith to cause y^e^ sd ways to be sufficiently repaired & amended. And do also ORDER & appoint a bridg to be erected over some part of Lampereel River, from one side thereof to y^e^ other.

WHEREAS Compl^t^ has bin made of y^e^ ill management of (& non attendance at) y^e^ fferry at Bloudy-point; The COUNCEL do ORDER y^e^ Selectmen of Dover to make inspecc'on thereinto; & take care that it be remedied. And they are impower'd to settle it for y^e^ best accom-'odac'on of the Country, by placing y^e^ sd fferry on one, or y^e^ other side, of y^e^ River according to their discretions.

THE COUNCEL taking notice of y^e^ badness of y^e^ p^r^sent way, leading from Greenland to Exceter; Do ORDER, the Select-men of Excet^t^, together with those of Portsm^o^, forthwith to cause, that a new way be laid out, such as shal be nearest & most convenient for passengers. And do also Order, & give them power, to cause a sufficient bridg to be made & erected at Wheelwrights Creek for public accom'odac'on.

ORDERED, That y^e^ Secr have power to grant Attachments Warrants & Summons.

Richard Waldern president
Elias Stileman Dep^t^ p^r^sid^t^
Richard Martyn
W^m^ Vaughan
Tho: Daniel
Jobe: Clemts
Rich: Chamberlain Secr.

[Proceedings of the President and Council from Nov. 22, 1681 to Aug. 21, 1682, taken from State Papers, Colonial, Vol. 57, in Public Record Office, London, Eng.]

[SEAL] The Acts Order & Proceedings of the Presid^t^ & Councel of His Maj^ts^ Prov^ce^ of New-Hampshire in New: Engl^d^ Since y^e^ Transmission in Octob^r^ last An^o^ D'ni 1681./

At a Meeting of y^e^ Councel Novemb^r^ 22^th^ 1681 at Portsmouth Together with y^e^ Committee of y^e^ Militia for y^e^ War-Rate. An Agree-

ment was Ordered to be drawn & signed as follows. WHEREAS there is an Order for y^e^ laying out of a Highway from M^r^ Vaughans Tanyard to Bloudy-point, & y^e^ Select-men of Portsm^o^ object to y^e^ inconvenience therein, by reason it is to run thrô several mens Lots: We therefore y^e^ persons concern'd as Proprietors, do under our hands give liberty for the said Highway to run thrô our lands, without requiring any satisfaction from Town or Country

Elenor Cutt Jeane Joce
Will Vaughan, so far as concernd
Rich^d^ Jackson
John Jackson

CHRISTOPHER KENASTON being taken with a parcel of Kersy cloth, which he had stollen from John Dam of Oyster river, & convict thereupon, was Sentenced, first to pay threefold to y^e^ Party Greeved (Dam,) viz: y^e^ cloth which was found with the Delinquent, & brought into Court, is to go for a third part 7^s^ 6^d^ at which sum it was valu'd by persons appointed by the Councel at 2^s^ ℔ yard: & one p^d^ two shill 6^d^ more in mony. Likewise to receiv Twenty eight stripes on his naked back. And because this was his third crime of y^e^ same nature, he was fined 3^l^ to be paid in mony, or goods equivalent, besides costs & fees.

Georg Hunt also, who has ingaged to y^e^ Constable (upon delivery of y^e^ said criminal into his custody) for his forth coming; is Ordered to bring him y^e^ said Kenaston forth within six days inclusively, that is to say by Munday next (the 28^th^ instant,) or els to undergo his abovesaid corporal punishment, or pay his fine.

And further, the said Hunt is obliged, not to dispose of any part of the said Kenastons estate (whereof Hunt is by purchase now possess'd) til security given by him that y^e^ sd Kenastons Wife shal not be chargeable to y^e^ Town, nor until his debts be paid.

ORDERED, That a Warrant issu, for y^e^ apprehending in any place w^t^soever, such persons as y^e^ Constable has in his list, who have y^e^ War-rate in their hands, & fly out of this Province.

At the General Assembly at Portsmo^th^ March 7^th^ 1681.

UPON the Petic'on of Abigail Ellins Relict & Adm'nstr^e^ of Antony Ellins deceased, against George Walton of Great Island for waste & trespas committed & done upon her land; ORDERED by consent of y^e^ said Parties, That y^e^ said Walton shal forbear to cut wood in, & shal remove his sheep off y^e^ land called Antony Ellins his Island, til a Trial of y^e^ title at Law be had; To which y^e^ COUNCEL referrs y^e^ said Parties.

THOMAS THURTON was accused for abusive & contemptuous language against y^e^ COUNCEL, y^e^ Kings Autority in the Province of N:

Hampsh^{r}, viz: for saying, They were Rebels against His Maj^{ty} And did deny y^{e} Kings Letter & Broad Seal: And that they were a parcel of cursed Rogues; And that They would deny the King himself if he were here: Likewise that He hoped he should see them all hang'd before he was much older. Thurton being apprehended, brought before y^{e} Councel, & examined upon y^{e} p^{r}misses, & the abovesaid particulars (appearing in several depositions on file) proved against him; The Councel do Sentence him, to be a prisoner in Hampton gaol during one month's space; within w^{ch} time if he do not pay Twenty pounds for a fine (which he is hereby Order'd to do, with costs & fees,) he shal be sold by y^{e} Treasur^{r} who is hereby impowered to make sale of him for y^{e} payment of his said fine, &c And the said Thurton is to remain in the said Gaol, til y^{e} Treasur^{r} can dispose of him as aforesaid.

The costs & fees amount to Two po^{d} eighteen shill^{s} & six pence.

The Deputies adjorned March y^{e} 9th 1681/2 to y^{e} first Tuesday in July next unless y^{e} Councel see cause to convene them before.

Rich^{d} Sewer made choice of his Master William Vaughan Esb^{r} One of y^{e} Councel, to be his Guardian; And y^{e} Councel assigns him Guardian accordingly.

Capt^{n} Walter Barefoot, William Hoskins (apprehended by vertu of the Councel's Warrant) & Thomas Thurton (in custody) appeared before them to answer to a Complaint by Petic'on of Robert Elliot of Gr^{t} Island merch^{t} for seising his vessel being a bark called Gift of God (late in y^{e} possession of Eli Nichols) without any power from y^{e} Autority, under p^{r}tence of His Maj^{ts} Name, &c. prout (inter alia) & Peticon on file.

The said Capt^{n} Barefoot upon examinac'on (amongst other things relating to the premisses on file, did own y^{e} said seisure, & that he did order the said Hoskins & Thurton so to do, & likewise the setting up y^{e} Kings Colours in the said Vessel, & their taking y^{e} sails from the yard; And that he had instructions to seise from Edward Randolph Esq^{r} in order to a new trial

Hoskins & Thurton did also confess their actual seising y^{e} sd vessel, & loosing the sails (most part of them from y^{e} yard) by y^{e} Kings & y^{e} said Capt^{n} Barefoot's) Order for y^{e} King's use.

March 8th

Capt^{n} Barefoot, Hoskins, & Thurton appearing again, produced the Grants of Deputac'on from y^{e} Kings Collector Survey^{r} & Search^{r} of His Customs in New Eng^{ld} Edward Randolph Esq^{r}, & acknowledged them to be their respective evidences & Warrants for their seisure (as aforesaid) for His Maj^{ts} use.

March 10th

The said Examinates appeared

Upon hearing the defence of them, ye said Captn Walter Barefoot, William Hoskins & Thomas Thurton upon ye said Complaint of Robert Elliot against them, viz: that ye said Captn Barefoot William Hoskins & Thomas Thurton have without ye knowledg of this Autority (which renders them contemners thereof) seised a Vessel of ye said Elliot, wch they have severally acknowledged to have done for ye Kings use, but without showing any breach of any Statute, altho demanded; Which hath occasioned ye breach of the Peace & disturbance of His Majts Subjects: The Councel give Sentence, & do Order the said Captn Barefoot to pay Twenty pound fine, which They do respit (during their pleasure) upon his good behaviour; William Hoskins & Thomas Thurton to pay five pound apeece, respited (during pleasure) in like manner upon their respective good behaviours. And the said Captn Barefoot, Williamm Hoskins & Thomas Thurton to pay 20s in mony for fees by equal portions equally, or stand committed: Leaving ye Complaint to the Law for his damages.

Ordered, That Captn Barefoot, Hoskins & Thurton have liberty to take & have again their respective Papers & evidences, by ye Councels Order filed with ye Secret, paying him for ye copies thereof, which he is to take & keep on file.

Ordered, That Warrants issu out to ye Constables of Portsmo, for the apprehending of Elihu Gunnison, & Andrew Litle John als Peterson, & bringing them before ye Councel, if sitting, to answer for their tumultuous carriage, & swearing, about seising a Vessel: Or if the Councel be not met, before any Member thereof, who shal dispose of them til a ful Councel sit.

Upon the Motion of Mr Phesant Eastwick, to be free from com'on training, being a Practitioner in ye Art of Physick; Ordered, That ye said Mr Eastwick be priviledged from such common trainings, paying five shillings yearly to ye Captain of ye Company under whose Command he is, and where he dwells, to ye use of the Souldiery.

John Roberts Head-Marshal of this Province, having signified his inability (by age & indisposition) to serv ye Country any longer, and desiring his Quietus, from ye time of the Councel's sitting at Hampton Court last; is discharged accordingly. And Henry Dow Ordered to be sole Marshal of this Province of New Hampshire, And to have ffive pound ℔ anno Salary for executing his said Office of Marshal.

It is Ordered by the General Assembly & ye Autority thereof; That all Ships, Ketches, Barks, Sloops, Lighters, or other Vessels belonging to the Inhabitants of ye Massachusets Colony, May

have free egress & regress into any of the Ports or harbours within this Province, and have free liberty to trade as before our late charge, without being liable to pay Powder-mony, or any other duties, but what our own Inhabitants are liable to pay for their Vessels: Provided y^e^ like Order be made by y^e^ GENERAL COURT of y^e^ Massachusets Colony; respecting all Vessels belonging to y^e^ inhabitants of this Province. It is to be understood That this Act shal reach all vessels belonging to us or them, coming directly from forain Parts to our or their Ports or harbours as wel as from any Ports or harbours within y^e^ united Colonies, or y^e^ neighbouring Provinces.

IT IS ALSO ENACTED BY THE AUTORITY AFORESAID; That what goods or merchandise being imported into any of their or our Ports, having paid y^e^ Customs at importac'on, shal not be liable to pay any further or other Custom then aforesaid, upon transportation to any of our or their Ports; it appearing by Certificate from y^e^ Collector of y^e^ Place whence such goods came, that y^e^ Custom is paid.

This ORDER not to take place until the like Act be made by y^e^ General Court of y^e^ Massachusets Colony.

IT IS ENACTED BY THE GENERAL ASSEMBLY, That a Rate shal forthwith be made & issu'd out on all y^e^ Inhabitants within this Province of New Hampshire, at one peny in y^e^ pound, on persons & estates; to be paid in mony, or in y^e^ species following That is to say

Wheat at five shill^s^ ℔ bushel.	Boards at 30^s^ ℔ m : foot.
Pease at four shillings.	White-oak Pipe-staves at three pound ℔ thousand
Malt at three shill^s^ six pence.	
Indian corn at 3^s^ ℔ bushell.	ffish two rials under price curr^t^

To be paid at y^e^ usual places for delivery, Rate pay.

AND That y^e^ Select-men in y^e^ several Towns, do forthwith perform y^e^ duty of their Places in making such Rates, & committing them to y^e^ respective Constables to be immediately collected, & the same to be transmitted to y^e^ Treasur^r^ of y^e^ Province upon y^e^ Province charge.

ORDERED, That this Act be publish'd, under the Province Seal, in y^e^ four Towns

At a Meeting of ye COUNCEL at Portsm^o^ May 2^d^ A'o D'ni 1682

WHEREAS there was a Petic'on p^r^sented in the name of y^e^ Inhabitants of y^e^ Great Island, to the Presid^t^ & Councel, for their approbac'on & allowance of a Minister of the Word to be setled in y^e^ sd Gr^t^ Island, for the reasons therein contained; ORDERED, That y^e^ Select-men of Portsmouth do forthwith cause a Town-meeting for the agitation of, & conference concerning y^e^ p^r^misses, & make their Report of y^e^ result thereof to y^e^ COUNCEL at their next insuing Court in June.

Whereas Adm'nstr^{n} of y^{e} Estate of Edward Cowel deceased, at a County Court held at Dover in June 1677, & adjorn'd to y^{e} 31th of Octob^{r} was granted to Agnes Cowel Relict of y^{e} sd Edw^{d} Cowel; And an Inventory of the sd Estate upon oath brought into Court; And there being no further proceeding in y^{e} management of y^{e} p^{r}-misses by reason of y^{e} death of y^{e} s^{d} Agnes: The Councel Grants Adm'nstr^{n} of y^{e} s^{d} Edw^{d} Cowels unadministred Estate to Jethro ffurber, who married Annie y^{e} sd Edward & Agnes Cowels daughter. Who is hereby Ordered (& doth ingage) to make further Adm'n-str^{n} according to Law of y^{e} sd Intestate Edw^{d} Cowel sd unadminis-tred Estate.

The Councel do assign y^{e} sd Jethro ffurber Gardian to Samuel Cowel yongest son of y^{e} sd Intestate Edw^{d} Cowel; And allows him for y^{e} maintenance & education of y^{e} sd Samuel til his age of 14 years, after y^{e} rate of 6^{l} ℔ an^{o} 45^{l}, to which by computation it amounts to. Out of which the sd Adm'nstr^{r} Jethro ffurber shal be abated proportionably to y^{e} years and time y^{e} sd Samuel shal want of the sd 14 years, if he shal happen to dye before; And one moity of y^{e} sd Estate, after deduction of the s^{d} 45^{l} shal remain to Edw^{d} the eldest son of y^{e} sd Edw^{d} y^{e} Intestate; and y^{e} other moity to y^{e} sd wife of y^{e} sd Jethro & y^{e} yonger son y^{e} sd Samuel, to be equally de-vided between them. And y^{e} sd Adm'nstr^{r} is to have the manage-ment of y^{e} sd Estate til further Order. And y^{e} wearing cloathes rings, & other things shal go as disposed of by y^{e} sd Agnes.

Jethro ffurber brought in an Inventory of y^{e} sd Estate upon oath, allow'd by the Councel.

George Snell is discharg'd from y^{e} Estate menc'on'd in & by the said Inventory, whereof he was possess'd in right of his, in consider-ac'on of his resigning to y^{e} Councel, & from auy account thereof.

Whereas it hath bin Enacted among other things, That it shall be lawful for either of y^{e} Marshals in this Province, to levy execu-c'ons, & serv attachments & warrants in any part of y^{e} sd Province: And whereas a doubt hath bin made, how far y^{e} sd Marshals power extends, and whether they shal serv ℔ such process, &c. (as aforesd) upon y^{e} river; The Councel think fit by way of explanac'on to de-clare y^{e} intent & mean'g thereof to be in y^{e} affirmative: And Or-der'd accordingly. And also, y^{t} any y^{e} Constables of this Province shal have y^{e} same power with the Marshal, in their respective p^{r}cincts.

Dated at Portsmouth
Aug: 21^{t} 1682.

Richard Waldern presidnt
Elias Stileman Dep^{ty} Pr^{s}id^{t}
Richard Martyn
W^{m} Vaughan
Tho: Daniel
Job Clements
Rich^{d} Chamberlain Secr

[Proceedings of President and Council of New Hampshire, from October 4 to October 14, 1682, taken from State Papers, Colonial, Vol. 57, in Public Record Office, London, Eng.]

[SEAL.] At a Councel held at Portsmouth
October y^e^ 4^th^ 1682.

A new Commission from His Ma^ty^ produced by Edward Cranfield Esq^r^, Constituting him His Ma^ts^ Lieutenant Governour & Commander in chief of this His Province of New Hampshire, was read, & according to the direction in the said Commission, the said Edw^d^ Cranfield Esq^r^ was by y^e^ Persons nominated & appointed therein to be of y^e^ Councel, sworn upon the Holy Evangelists ; and He took y^e^ Oaths of Allegiance & Supremacy, And Robert Mason, Richard Waldron, Thomas Daniel, William Vaughan, Richard Martin, John Gilman, Elias Stileman, Walter Barefoot, & Richard Chamberlain Esq^r^s, were all in like manner sworn. And y^e^ old Com'iss^n^ was declared to be void in & by vertue of y^e^ said new Com'is^n^. The old Seal of y^e^ Province having this Inscription, Sigillum Præsidentis et Consilii de Provincia Novæ Hamptoniæ in Nova Anglia, was by y^e^ Governour demanded (as directed by the said New Commiss^n^) & deliver'd up to Him by the late President Richard Waldron Esq^r^, And a new one of Silver brought by the Govern^r^, having these words around it, Sigillum Provinciæ Nostræ Novæ Hamptoniæ in Nova Anglia, was shown, & is to be kept & in custody of the Governour.

AGREED & ORDERED by the Govern^r^ by & with y^e^ advice & consent of the Councel, That y^e^ following Proclamac'on or Publication of y^e^ Hon^ble^ Edw^d^ Cranfield His being Constituted Govern^r^ (as abovesaid) be made in y^e^ ffour Towns in these words.

New Hampshire By THE GOVERN^r^

WHEREAS HIS MOST EXCEL^t^ MA^ty^ Our Soveraign Lord King CHARLES Y^e^ SEC^d^, Hath thought fit to make void His Royal Com'iss^n^ of y^e^ 18^th^ Sept 1679 & all y^e^ clauses matters & things therein contained ; And hath by a new Com'ission or Patent under y^e^ Great Seal of Engl^d^ bearing date May y^e^ 9^th^ 1682, Constituted & appointed me Edward Cranfield Esq^r^ His Lieuten^t^ Govern^r^ & Com'ander in chief of this His Province of New Hampshire : I do therefore according to His Ma^ts^ Command, publish y^e^ same. And all the Inhabitants of y^e^ said Province are hereby required in His Ma^ts^ Name to take speciál notice thereof, & to give obedience thereto accordingly.

And all Officers Civil & Military, are to continue in, & discharge y^e^ duty of y^r^ respective Offices & Places, til they shal receiv further Order therein.

Dated at Portsm° this 4th day of October 1682, in y^e^ 34th Year of His Ma^ts^ Raign

(Directed to y^e^ Constables of each of y^e^ 4 Towns.)

The Councel adjorn'd to Octob^r^ 10th following.

At y^e^ Meeting of y^e^ Govern^r^ & Councel at Portsm° Octob^r^ 10th A'o D'ni 1682.

The Govern^r^ & those of y^e^ Councel were sworn upon y^e^ Book (as before) in the Oath for due execuc'on of their Trust, & adm'nstrac'on of Justice in their respective Places in this form following, taken from y^e^ old Com'is^n^ none being particularly appointed by y^e^ new.

You shal swear, well & truly to administer Justice to all His Ma^ts^ good Subjects inhabiting within y^e^ Province of New Hampshire under this Government; & also duly & faithfully to discharge & execute the Trust in you reposed, according to y^e^ best of yo^r^ knowledg. You shal spare no person for favour or affection, nor any person greev for hatred or ill will. So help you God.

And (y^e^ Statute book being as yet wanting) y^e^ Govern^r^ & Councel subscribed y^e^ Test or abjurac'on of Transubstantiac'on in y^e^ Holy Sacrament of y^e^ Lords Supper, having said after y^e^ Clark of y^e^ Councel, as y^e^ form is, in these words.

I Edw^d^ Cranfield (so I Rob^t^ Mason, &c.) do declare, That I do beleev that there is not any Transubstantiac'on in y^e^ Sacrament of y^e^ Lords Supper, or in the elements of bread & wine, at or after y^e^ consecrac'on thereof by any person whatsoever.

Ordered by y^e^ Govern^r^ in Councel, That y^e^ Secr & Cl : of y^e^ Councel have the Records books & papers relating to y^e^ business of y^e^ Province, delivered to him; & that he have all due Perquisites pursuant to his Com'ission.

The Governour in Councel doth Order, That all Com'issions from His Ma^ty^ and His Royal Highness, be entred in y^e^ Councel Book, & in y^e^ Secretaries Office Viz :

His Ma^ts^ Royal Commission impowering Edward Cranfield Esq^r^ His Lieuten^t^ Govern^r^ & Com'ander in chief of His Ma^ts^ Province of New Hampshire, bearing date May 9th 1682.

His Royal Highness y^e^ Duke of York's Com'ission, made to y^e^ Governour, for the execuc'on of y^e^ Office of Vice-Admiral : And His Com'iss^ns^ for Judg Register & Marshall of y^e^ Admiralty, all bearing date June 29th 1682.

The Com'ission from His Ma^ty^ to William Blathwayt Esq^r^ constituting him Surveyo^r^ & Auditor General of all His Ma^ts^ Revenues in America, bearing date May 19th 1680. And y^e^ said William Blathwayts Grant of Deputac'on to Rich^d^ Chamberlain Esq^r^ for this Province of N : Hampshire.

His Ma^ts^ Com'ission to Edward Randolph Esq^r^, appointing him Collector Surveyor & Searcher of His Ma^ts^ Customs in New Engl^d^ bearing date Octob^r^ 15^th^ 1681.

THE Secret & Clark of y^e^ Councel of N : Hampshire his Com'ission from His Ma^ty^ bearing date Sept 30^th^ 1680.

ORDERED likewise by y^e^ Govern^r^ in Councel, That y^e^ Letters, viz : That from y^e^ Right Hon^ble^ the Lords Commission^rs^ of y^e^ Treasury, relating to y^e^ Kings Revenues in America : And that from y^e^ Right Hón^ble^ y^e^ Lords of y^e^ Committee for Trade & Plantac'ons to y^e^ Secr & Cl : of y^e^ Councel for Trans^mission of y^e^ Public Acts & affairs, having all bin read, with due obedience thereto injon'd, be entred in y^e^ Councel Book & in y^e^ Secretaries Office.

RICH^d^ WALDRON & Rich^d^ Martin Esq^rs^ were by y^e^ Govern^r^ suspen from y^e^ Councel according to His Ma^ts^ Instructions under y^e^ Signet or Sign manual ; upon certain accusations & charges exhibited ag^t^ them.

ORDERED by y^e^ Govern^r^ in Councel, That a Sum'ons or Warrant issue forth in His Ma^ts^ Name, & agreeable with His Royal Com'iss^n^ and be directed to y^e^ Constables of the four Towns respectively, for y^e^ election of Deputies for y^e^ General Assembly Viz :

N : Hampshire BY THE GOVERNOUR.

IN HIS MA^ts^ NAME You are hereby required, with y^e^ soonest convenience to call together y^e^ ffreeholders of y^e^ Town of Portsm^o^ (so of y^e^ rest) for y^e^ chusing of Three persons (so Two for Excet^r^) of y^e^ same ; such as shal be fitly qualified to be Deputies for y^e^ Gen^l^ Assembly. And y^e^ Three persons (so Two) so elected by y^e^ Majority of Votes (as hath bin used) Shal make their personal appearance at M^r^ George Snell's house at Portsm^o^ on y^e^ second Tuesday in November next (being y^e^ 14^th^ day thereof) by nine a clock in y^e^ forenoon, in order to making of such Laws & constitutions as are agreeable to this place, & not repugnant to those of Engl^d^ according to His Ma^ts^ present Com'ission. And you shal return y^e^ names of the elected Deputies ; & if any of them shal be absent from y^e^ Town meeting you shal give him notice of such his election. Hereof fail not.

Dated at Portsm^o^ Octob^r^ 4^th^ 1682.

And you are also hereby required to administer y^e^ Oath of Allegiance to all His Ma^ts^ Subjects inhabiting within y^e^ Town aforesaid (Directed to y^e^ Constables.)

ORDERED, by reason of some opposition lately made to y^e^ Constables in levying y^e^ Rates, That a Warrant issue forth for y^e^ impowering them therein, as follows.

N: Hampshire By the Governour.

Whereas His Ma^ty by His Royal Com'ission bearing date y^e Ninth day of May, in y^e 34^th Year of His Raign, Hath bin pleased to continue y^e Taxes or Rates by y^e late Government already assessed & imposed upon y^e Inhabitants of this His Province of New Hampshire, til y^e General Assembly shal have considered & agreed on y^e fittest ways for raising Taxes for defraying y^e charge of y^e Government: These are therefore to require you in His Ma^ts Name, wel and truly to do yo^r duty in reference thereto, & forthwith to collect & levy all & singular y^e Taxes or Rates w^ch are already assess'd according to the method and power prescribed & given you by y^e late Autority. Hereof fail you not at your peril. Dated at Portsm^o Oct. 14^th 1682 (Directed to y^e Constables.)

Ordered, by y^e Govern^r in Councel, That Capt^n Daniel & William Vaughan Esq^rs, & of y^e Councel, take order for a convenient Meeting place for y^e Councel & Deputies of the Gen^l Assembly in some private house in Portsm^o: It being His Ma^ts Pleasure & Command not to have any in Taverns & such like public places.

Octob^r 13, 1682

Elias Stileman Esq^r delivered up y^e Books of records, & y^e papers on file. Which by the Governours Orders were received by the Secr & Cl: of y^e Councel according to a form or Order: A catalogue of which is hereunder written. Viz:

One Book of Records bearing date 1640.
One other Book of records dated 1658
One other Book containing Bils of sale & mortgages. dated 1667.
One other Book of records dated 1674
Two Books of records of y^e Court of Associates, bearing date 1663, & 1675.
Edw^d Randolph & Mark Hunkins Case 1679.
Records of Dover Court 1673
Records of Hampton quart^r Court 1681.
Records of Hampton qu: Court 1680.
Records of Dover qu: Court 1681.
Records of Portsm^o qu: Court 1664.
Records of Dover Court 1675.
Records of Portsm^o Court 1680.
Records of Portsm^o Court 1682.
Records of Portsm^o Court 1676.
Old records before Capt^n Stilemans time.
Records of Portsm^o qu: Court 1666.
Records of Portsm^o qu: Court 1678.
Records of Portsm^o Co^t of adjornm^t 1667.
Records of Dov^r qu: Court 1663.
Records of Dov^r qu: Court 1659.
Records of Dov^r qu: Court 1661.
Records of Dov^r Co^t of adjornm^t 1671.
Rec^ds of Portsm^o qu: Court 1672.
Records of Dover qu: Court 1680.
Records of y^e County Court 1679.
Records of Portsm^o qu. Court 1670
Records of Dov^r Co^t of adjornm^t 1677.
Records of Portsm^o qu: Court 1668.
Records of Portsm^o qu: Court 1662.
Records of Dover qu: Court 1667.
Records of Portsm^o qu: Court 1666.
Records of Dover qu: Court 1665.
Records of Portsm^o qu: Court 1674.
Records of Dover qu Court 1669.

The above written Records (excepting a few) are all y^e Records books & papers that concern y^e Public, in his hands; as attests Capt^n

Stileman above said : And were by the Govern^{rs} Order rec'd by me Rich^{d} Chamberlain Secr & Cl : of the Councel.

Ordered by y^{e} Govern^{r}, that Rich^{d} Chamberlain Esq^{r} have y^{e} registring or recording of all Bils & Deeds of sale, mortgages & Wils (all which are hereby Ordered to be so recorded) as Perquisites & appertaining to his office of Secr of y^{e} Province & Cl : of y^{e} Councel : As also, That he be Clark of all the Courts of Judicature held within y^{s} Province ; & have y^{e} entry of all Actions Appeals & Judgm^{ts} & the making of all process writs of attachm^{t} & other writs & Execuc'ons, during y^{e} pleasure of y^{e} Governour, & do all other acts relating to y^{e} sd Courts.

Ordered by y^{e} Govern^{r} in Councel, That Rich^{d} Martin Esq^{r} & Capt^{n} Stileman give in their respective Acco^{ts} to be audited by Rich^{d} Chamberlain Esq^{r} Viz : y^{e} sd Martin his Acco^{ts} of all monies raised since His Ma^{ts} Royal Com'iss^{n} of y^{e} 18th Sept 1679 : & Capt^{n} Stilemans Acco^{t} of y^{s} powder mony since y^{t} time.

ACTS AND LAWS
PROVINCE OF NEW HAMPSHIRE,
1699.

Reprinted by the State

— 1893 —

From the Original Imprint Now in the Custody of the Historical Society of Pennsylvania, by Permission of the Society.

NOTE.

The Laws of the Province of New Hampshire which are here reprinted are an important link in the history of the jurisprudence of the state. At the time the Acts and Laws of this province, edition of 1716, with additions containing sundry acts passed in the subsequent years to some time in 1725, originally printed by B. Green, Boston, were reprinted by the state in 1888, this discovery by Dr. Moore had not been made, and the existence of the edition of 1699 was only a theory, or was entirely unknown to lawyers and students in this country. This, of course, is but a fragment of the body of the province laws, but it is an important addition to the material which was previously accessible. Its presentation here may suggest the advisability of a thorough examination of the printed laws of this province, and of the early period of the state government, and the manuscript copies which may remain in the English archives and in American custody, public or private, with a view to a systematic publication of the whole in a form in which the contents of these rare and scattered documents may be made available for use to those who are hereafter to deal with the department of our jurisprudence in which these treasures have place.

The credit for the discovery of the original printed copy of these laws, for obtaining them from those into whose hands they had come in England, and for transferring them to the possession of an American library, is due to the late George H. Moore, LL.D., of the Lenox library of New York. They are now a part of the Charlemagne Tower Collection of Provincial and Colonial Laws in the library of the Historical Society of Pennsylvania, at Philadelphia.

The editor is under obligations to the Historical Society of Pennsylvania for the privilege of taking a copy of the original imprint in its custody, for publication in this volume.

EDITOR.

ANNO REGNI REGIS GULIELMI III. UNDECIMO

ACTS AND LAWS

Passed by the General Court or Assembly of His Majesties Province of New-Hampshire in New-England.

An Act for Restraining and Punishing Privateers and Pirates.

WHEREAS nothing can more contribute to His Sacred Majesties Honour than that such Articles as are concluded and agreed on in all Treaties of Peace should by all His Majesties Subjects according to their Duty be most inviolably preserved and kept in and over all His Majesties Dominions and Territories. And whereas not only against such Treaties of Peace made by His Majesty with His Allies, but also contrary to His Majesties Royal Proclamation several of His Subjects have and do go, into Forreign Princes Services, and Sail under their Commissions contrary to their Duty and good Allegiance, and by fair means cannot be restrained from so doing.

Be it therefore Enacted by His Excellency the Governor, Council and Representatives, Convened in General Assembly, and it is hereby Enacted by Authority of the same, That from and after Publication hereof, it shall be Felony for any person which now doth, or within four years last past, hath, or hereafter shall inhabit or belong to this Province, to Serve in an Hostile manner under any Forreign Prince, State or Potentate, or any Imployed under any of them, against any other Forreign Prince, State or Potentate in Amity with His Majesty of Great *Britain*, without special Licence for so doing under the Hand and Seal of the Governour or Commander in Chief of this Province for the time being. And that all and every such Offender or Offenders, contrary to the true intent and meaning of this Act, being thereof duly Convicted in His Majesties Superiour Court of Judicature within this Province,

Felony, to serve in hostile manner under any forreign Prince without Licence.

to which Court, Authority is hereby given to hear and determine the same as other Cases of Felony: shall suffer pains of Death without benefit of Clergy.

Provided nevertheless, That this Act nor any thing therein contained shall extend to any person or persons which now are or have been in the Service or Imploy of any Forreign Prince, State or Potentate whatsoever, that shall return to this Province, and leave and desert such Service and Imployment before the Twenty Ninth Day of *September*, *Anno* One thousand Seven Hundred, rendring themselves to the Governour or Commander in Chief for the time being, and giving him such Security as he shall appoint for their future good behaviour. And also that they shall not depart the Province, without the Governours Ticket Licence.

Saving for such as shall desert before the 29. of *September* 1700.

And for the better and more speedy Execution of Justice upon such who having committed Treasons, Piracies, Felonies, and other Offences upon the Sea, shall be apprehended in, or brought Prisoners to this Province.

Be it further Enacted by the Authority aforesaid, That all Treasons, Felonies, Piracies, Robberies, Murthers, or Confederacies committed, or that hereafter shall be committed upon the Sea, or in any Haven, Creek or Bay where the Admiral hath Jurisdiction, shall be punished with Death; and shall be Inquired, Tryed, Heard, Determined and Judged within this Province in such like form, as if such Offence had been committed, in and upon the Land; and to that end and purpose, Commissions shall be had under the Seal of this Province, directed to the Judge of the Admiralty of this Province for the time being, and to three or more such substantial persons, as by His Majesties Governour or Commander in Chief of this Province for the time being, with the advice and consent of the Council shall be named and appointed, which said Commissioners, or such *Quorum* of them as by such Commission shall be thereunto Authorized, shall have full power to do all things, in and about the Inquiry, hearing determining, adjudging and punishing of any of the Crimes and Offences aforesaid, as any Commissioners to be appointed by Commission under the Great Seal of *England*, by virtue of a Statute made in the Twenty Eighth Year of the Reign of King *Henry* the Eighth are Impowred to do and execute within the Kingdom of *England*. And that the said Offenders which are or shall be apprehended in, or brought Prisoners to this Province, shall be

Treasons, Felonies, Piracies &c. committed on the Sea to be inquired heard & judged, as if committed on Land, by Commission directed to the Judge of the Admiralty &c.

liable to such Order, Process, Judgments and Execution, by virtue of such Commission to be grounded upon this Act as might be awarded or given against them if they were proceeded against within the Realm of *England*, by virtue of any Commission grounded upon the said Statute. And all Tryals heretofore had against such Criminal and Criminals before any Judge or Judges by virtue of such Commission or Authority at any time heretofore granted, and all proceedings thereupon are hereby ratified and confirmed and adjudged lawful. And all such Judges with all and every the Inferiour Officers that have acted thereby, are hereby Indempnified to all intents and purposes what soever. And in case they or any of them shall at any time hereafter be sued, vexed, molested or troubled for any such their Proceedings as aforesaid, he or they so sued, vexed molested or troubled, shall plead the General Issue, and give this Act in Evidence: Any Law, Statute, Custom or Usage to the contrary in any wise notwithstanding.

All Tryals heretofore had by virtue of such Commission ratified.

And be it further Enacted by the Authority aforesaid, That all and every person and persons that shall any way knowingly entertain, harbour, conceal, trade or hold any correspondence by Letter or otherwise, with any person or persons, that shall be deemed and adjudged to be Privateers, Pirates, or other Offenders within the Construction of this Act, and that shall not readily endeavour to the best of his or their power to apprehend, or cause to be apprehended such Offender or Offenders shall be liable to be prosecuted as Accessaries and Confederates, and to suffer the like pains and penalties as in and by this Act is provided for the Principals.

Persons knowingly entertaining, harbouring, concealing or corresponding with any Privateers or Pirates to be accounted Accessaries and confederates.

And for the better and more effectual Execution of this Act.

Be it further Enacted by the Authority aforesaid, That all Commission Officers in their several Precincts within this Province are hereby required and Impowred, upon his or their knowledge, or credible notice given that any Privateers, Pirates, or other persons suspected to be on any unlawful design, are in any place within their respective Precincts, to raise and levy such a number of well Armed men as he and they shall think needful for the seizing, apprehending and carrying to Goal all and every such person and persons; and in case of any resistance or refusal to yield Obedience to His Majesties Authority, it shall be lawful to kill or destroy such person or persons; and all and every person and persons that

Commission Officers Impowred and required to seize & apprehend all Privateers, Pirates &c.

shall oppose or resist by striking or firing upon any of the Commanded parties, shall be deemed, taken and adjudged as Felons, and shall suffer the pains of Death. And every such Officer that shall omit or neglect his duty herein, shall forfeit *Fifty Pounds*, currant Money of this Province for every such Offence, to be recovered in any of His Majesties Courts of Record within this Province, by Bill, Plaint or Information, wherein no essoign, wager of Law or protection shall be allowed; one Moiety thereof to be to our Soveraign Lord the King, His Heirs and Successors, for and towards the Support of the Government of this Province and the contingent Charges thereof; and the other Moiety to the Informer. And all and every person and persons that upon orders given him or them shall refuse to repair immediately with his or their Arms well fixed and Ammunition, to such place or places as shall be appointed by the said Officer, and not readily obey his Command in the premises, shall be Imprisoned without Bail or Mainprize, until the next General Sessions of the Peace within the same County, and by the Justices of the same Court fined, not exceeding *Ten Pounds*, or be corporally punished, not exceeding Ten Stripes, at the discretion of the Justices.

Penalty for Officers neglect of duty.

Penalty for non appearance in Armes.

For the better Encouragement to make diligent Enquiry after, and Seizure of Pirates Goods.

Be it further Enacted by the Authority aforesaid, That whatsoever person or persons shall make discovery and seizure of any Goods or Treasure, that shall be brought into this Province by any Pirate or Pirates, or inform of or disclose the same, so as such Goods or Treasure be seized and secured to be answerable in the Law, every such person or persons shall have and receive as a recompence for such Service, one fifth part of the Goods and Treasure so seized and secured, or of the value thereof within ten days next after Condemnation of said Goods or Treasure, to be paid by order of the Justices of the Court where the Tryal shall be had, and all the Remainder of such Goods and Treasure to be secured by order of the Justices of such Court for the use and benefit of the true and right Owners thereof if any such appear, by themselves, Factors, Agents or Attorneys, within the time of eighteen months next after such Condemnation, and shall make out their right thereunto, all just and reasonable Charges being first deducted and paid thereout. And if no Claimer or Claimers appear and make out their Right thereto within the said time of eighteen months then

Recompence for discovering & seizing of Pirates Goods.

How such Goods shall be secured.

all the remainder of such Goods and Treasure the Charges as aforesaid, being first deducted and paid thereout to be delivered into His Majesties Treasury within this Province, there to be lodged until His Majesties Pleasure shall be signified, how the same shall be disposed of.

An Act to return able and sufficient Jurors to Serve in the several Courts of Justice, and to Regulate the Election of Representatives to Serve in the General Assembly within this Province.

Be it Enacted by His Excellency the Governour, Council and Representatives Convened in General Assembly, and by the Authority of the same, That the Clerks of the several Courts of Justice within this Province fifteen days at least before the day limited by Law for holding such Courts from time to time, shall make out a Writ of *Venire Facias*, directed unto the Sheriff of the Province, Commanding him in His Majesties Name to Impannel and return so many good and lawful men for Grand and Petit Jurors, out of the several Towns within this Province in as near a proportion as may be according to the number of Inhabitants, each person so returned to have an Estate of Freehold worth *Forty Shillings Per Annum* at the least, or *Fifty Pounds* Sterling in personal Estate ; And the Sheriff shall cause each person named in his Pannel to be duly Summoned and Warned to attend the Service of the Court where the same is returnable. The Grand Jurors for the Quarter Sessions of the Peace, to Serve one whole year from the time of their being Sworn, and every person Impannelled and Summoned as aforesaid, to Serve as a Juror at any of the said Courts who shall make default by not appearing or not attending the Service required of him, shall loose and forfeit the Sum of *Forty Shillings*, unless such persons make a reasonable Excuse for the same to be approved and allowed by the Justices of the said Court, the said Forfeiture to be unto the use of our Soveraign Lord the King, for and towards the Support of the Government, and for answering the incident charges thereof, and to be Imposed and set by the Justices of the Court where the *Venire* is returnable. And when it shall happen by reason of Challenge, default in appearance or otherwise there shall not remain a sufficient number to make up a Petit Jury, the Sheriff by Command of the Justices of the Court shall

Writ of *Venire* for Jurors to be issued 15 days before the Court.

Qualification of Jurors.

Penalty on Jurors' makeing default.

return so many persons *de talibus circumstantibus*, as shall be required to make up a full Jury. And in case where the Sheriff shall be a party, or related to either of the parties, the Jury shall be Impannelled and returned by the Coroner, who is also hereby Impowred to Serve Writs in cases where the Sheriff is concerned.

Tales de circumstantibus.

The Coroner to return Jurors & serve Writs, in case

And be it further Enacted by the Authority aforesaid, That no person Inhabiting within this Province, other than Freeholders of the value or income of *Forty Shillings Per Annum* or upwards in Land, or worth *Fifty Pounds* Sterling at the least in personal Estate, shall have any Vote in the Election of Representatives; or be capable of being Elected to Serve in the General Assembly, and the tryal of such Qualification as aforesaid, shall be by the last Lists of Rates and Assessments which the Select men of each respective Town, are hereby required to bring with them for that end, upon all dayes and times appointed for such Election.

Qualification of Representatives, and Electors.

And be it further Enacted by the Authority aforesaid, That there be a suitable person Chosen in each Town after the same manner used for Choice of other Officers to be Town Clerk to Serve in the said Office until another be Chosen and Sworn in his stead; and every such Town Clerk shall have an Oath Administered unto him, by a Justice of the Peace well and truly to Execute the said Office and Trust.

Town Clerk to be chosen and sworn.

An Act for a Tax or Assessment, of

Five Hundred Pounds.

WE His Majesties Loyal and Dutiful Subjects the Representatives of His Majesties Province of New-Hampshire, *Convened in General Assembly, do chearfully and unanimously give and grant unto His Most Excellent Majesty the Sum of* Five Hundred Pounds *in Money, humbly beseeching Your Majesty, that the same may be applyed and appropriated unto the sole and proper use of His Excellency* Richard *Earl of* Bellomont, *Your Majesties Governour in Chief of this Province. In Testimony of our great regard and respect unto His Lordship, under whose happy Conduct we assure our selves to enjoy great quiet and felicity; And pray that it may be Enacted.*

And be it Enacted accordingly by the Governour, Council and Representatives, Convened in General Assembly, and by the Authority of the same, That the said Sum of *Five Hundred Pounds* to and for the use aforesaid be Raised by a Tax or Assesment to be made and laid in manner as is hereafter expressed, upon all persons and Estates both real and personal lying, being and belonging to the several Towns and the Districts thereof within this Province, according to each Towns proportion toward the same, as followeth ; *That is to say,*

	l	*s*	*d*
Portsmouth, One Hundred & Twelve Pounds, Fifteen Shillings	112	15	00
Hampton, One Hundred Forty Eight Pounds Eighteen Shillings and Nine Pence	148	18	09
Dover, One Hundred Pounds, Eleven Shillings & Three Pence	100	11	03
Exeter, Ninety One Pounds, Ten Shillings	91	10	00
New Castle, Forty Six Pounds, Five Shillings	46	05	00

And that the Treasurer send out his Warrant to the Constables of the respective Towns, Requiring them to Assemble the Inhabitants to make choice of two Assessors where they are not already Chosen for the year, to joyn with the Select-men in making the Rate and Assesment according to this Act to whom the Treasurer shall also give Warrants pursuant thereto. And the Rates and Assesments so made to be committed to the Constables of the respective Towns by the last of *September* next ensuing, with Warrants from a Justice of the Peace. And the Selectmen and Assessors to Collect the same, and pay unto the Treasurer for the time being, in Mony by the Twentyeth Day of *December* next following.

An Act for Establishing Courts of Publick Justice within this Province.

WHEREAS the orderly Regulation and Establishing of Courts of Justice, as well in respect of time as place for the holding of the same, doth very much tend to the Honour and Dignity of the Crown, and to the ease and benefit of the Subjects.

Be it therefore Enacted by His Excellency the Governour, Council and Representatives, Convened in General Assembly, and by the Authority of the same, That every Justice of the Peace

in the same Town where he resides, be, and hereby is fully Authorized and Impowred to hear, try and determine all Pleas and Actions of Debt and Trespass, where Title of Land is not concerned, arising or happning within this Province, to the value of *Forty Shillings* or under, and to give Judgment therein and to award Execution thereupon, and either party agrieved at the Judgment or Sentence given by any such Justice in Civil Causes, may appeal therefrom unto the next Inferiour Court of Common Pleas, the party appealing giving Security before such Justice unto the Appellee in a reasonable Sum to prosecute his Appeal with effect, and to answer and pay such Cost and Damages as shall be awarded against him in case the first Sentence be affirmed.

Justices of the Peace Impowred to hear & determine causes of 40 *s.* value or under, where title of Land is not concerned.

Appeal.

And for the better Conservation of the Peace, and punishment of Offenders.

Be it further Enacted by the Authority aforesaid, That there shall be Held and Kept by the Justices of the Peace within this Province or so many of them, as shall be limited by the Commission of the Peace to make a *Quorum*. Four Quarterly Courts or General Sessions of the Peace yearly at the Town of *Portsmouth* on the first *Tuesdayes* on the Months of *March*, *June*, *September* and *December* from time to time; which said Court shall have Cognizance of all matters and things proper to the Jurisdiction of said Court relating to the Conservation of the Peace, and punishment of Offenders; according to the Laws and Statutes in force within this Province. And the Sessions of the said Court shall hold and continue by the space of two dayes and no longer.

Court of Sessions of the Peace.

And be it further Enacted by the Authority aforesaid, That there shall be Held and Kept at *Portsmouth* aforesaid, an Inferiour Court of Common Pleas by four Justices to be appointed and Commissionated thereto by the Governour, or in his absence the Commander in Chief for the time being; any three of whom to make a *Quorum;* the said Court to be held and begin at the time and dayes following: *That is to say;* on *Thursday* next after the rising of the Court of the Quarter Sessions of the Peace from time to time; which said Inferiour Court of Common Pleas shall have Cognizance of, hear, try and determine all Actions, Matters and Causes tryable at the Common Law, not exceeding the Sum or value of *Twenty Pounds*, and where

Inferiour Court of Common Pleas.

Title of Land is not concerned, and give Judgment therein and award Execution accordingly.

Appeal. **Provided** nevertheless, That either party agrieved at any Judgment or Sentence given in the said Court may appeal therefrom unto the next Superior Court of Judicature ; such Appellant giving sufficient Security in double the Sum or value recovered unto the Appellee, before one or more of the Justices of the Inferiour Court, to prosecute his Appeal with effect, and to answer and pay such Costs and Damages as shall be awarded against him in case the first Sentence shall be affirmed.

Superiour Court of Judicature. **And be it further Enacted by the Authority aforesaid,** That there be held and kept at Portsmouth aforesaid, and not elsewhere within this Province a Superiour Court of Judicature by one chief Justice, and three other Justices, to be appointed and Commissionated thereto by the Governour, or in his absence the Commander in Chief for the time being; any three of whom to make a *Quorum*, on the second *Tuesday* in *August*, and on the second *Tuesday* in *February* yearly from time to time, which said Courts shall have Cognizance of all Pleas, and Causes, as well Civil (not under the value of *Twenty Pounds* except where Title of Land is concerned) as Criminal as fully and amply to all intents and purposes whatsoever, as the Courts of Kings Bench, Common Pleas and Exchequer within His Majesties Kingdom of *England*, have or ought to have, and are hereby Impowred to give Judgment and award Execution therein, and it shall be in the liberty of any Party, Plaintiff or Defendant agrieved at any Judgment or Sentence given in the said Superiour Court to appeal therefrom unto the Governour and Council. *Provided* the value appealed for exceed the Sum of *One Hundred Pounds* Sterling, and that sufficient Security be given, in manner as in and by this Act is before directed to prosecute the same, and to pay such costs and damages as may be awarded in case the first Sentence shall be affirmed.

Appeal to the Governour and Council.

Appeal to His Majesty in Council. **And it is hereby further Enacted and Ordained,** That in all Civil Causes to be commenced at the said Superiour Court of Judicature, where the matter in controversie exceeds the true value and Sum of *Three Hundred Pounds* Sterling, it shall and may be in the liberty of the party agrieved to review the said Cause by a new Process out of the said Court once and no more ; and if either party shall not rest satisfied with the Judgment or Sentence of the said Superiour Court,

either upon the first Tryal, or upon the Review, such party may appeal therefrom unto His Majesty in Council. *Provided* the matter in difference exceed the true value and Sum of *Three Hundred Pounds Sterling*, and that such Appeals be made, within fourteen days after Sentence given; And that Security be likewise given by the Appellant, to answer such Charges as shall be awarded, in case the first Sentence shall be confirmed.

And be it further Enacted by the Authority aforesaid, That all Writs and Processes for bringing any Actions or Suits to Tryal in any of the Courts aforesaid shall be Summons, Capias or Attachment, and shall Issue out of the Clerks Office of the same Court under the Seal thereof, and Signed by the Clerk, and shall be directed to the Sheriff, Under-Sheriff or Deputy, and Executed fifteen days before the day of the Courts Sitting, and to be returned to the Court from whence the same Issued. Writs or Processes for Tryal before a Justice of the Peace, to be granted by such Justice, directed unto a Constable or Constables, and to be Executed seven days before the day appointed for such Tryal, & to be returned to the Justice.

Writs to issue forth of the Clerks Office.

For Tryals before a Justice to be granted by such Justice.

And be it further Enacted, That any person appealing from any Judgment or Sentence given in any of the Courts aforesaid, shall file a Declaration in the Clerks Office of the Court appealed from, therein briefly assigning the Errors in such Judgment fifteen days at least before the day of the Sitting of the Court appealed unto. And if the Appeal be made from a Sentence or Judgment given by a Justice of the Peace, such Declaration shall be filed with the Justice by the like time.

Reasons of Appeal to be filed in the Clerks Office.

And be it further Enacted by the Authority aforesaid, That as well the Justices of the Inferiour Court of Common Pleas, as the Justices of the Superiour Court of Judicature respectively; where the forfeiture or penalty of any Obligation with a Condition underwritten, or a penalty annexed to any Articles, Agreement, Covenants, Contracts, Charter party or other Specialty or Forfeiture of any Estate granted upon condition, executed by Deed of Mortgage or Bargain and Sale with defeazance, shall be found by Verdict of Jury, or by default or confession of the Obligor, Mortgager or Vender, are hereby Impowred and Authorized to moderate the Rigor of the Law. And on consideration of such Cases according to equity and good Conscience to

Power of Chancery in several Cases.

Chancer such Forfeiture, and to enter up Judgment, for the just Debt and Damages, and to award Execution accordingly, only in real Actions upon Mortgage, and Bargain and Sale, with defeazance, the Judgment to be conditional, that the Mortgager or Vender, and his Heirs Executors or Administrators do pay unto the Plaintiff such Sum as the Court doth determine, to be justly due thereupon within two months time after Judgment entered up, for discharging of such Mortgage or Sale, and that the Plaintiff recover possession of the Estate Sued for, and Execution to be awarded for the same; and the Justices of the said several Courts as well Superiour as Inferiour respectively, shall take the Oath following, to be Administred to each of them by the Governour, or in his absence by the Commander in Chief for the time being, or such as shall be by him thereto appointed. *That is to say,*

Justices of the Courts to be Sworn before the Governour or Commander in Chief or such as he shall appoint.

YOU Swear, *That well and truly you shall Serve our Soveraign Lord the* KING *and His People in the Office* of a Justice of the Court of *And that you will do equal Law and Execution of Right to all people, poor and rich, after the Laws in force within this Province, and Usage within the same, and in such cases, as the Law doth specially provide to be relieved in equity, there to proceed according to equity and good Conscience, without having regard to any person whatsoever.* So help you God.

Oath.

Any Law, Usage or Custom to the contrary in any wise notwithstanding.

An Act for continuing several Rates and Duties of Customs, Excise, Impost and Powder Money on Tonnage of Shipping.

WHEREAS in and by one Act of General Assembly of this Province made and past in the Fourth Year of the Reign of KING William *and Queen* Mary, *Entituled,* An Act for defraying the Publick Charge of the Province, there was given and granted unto their said Majesties several Duties of Impost, Excise and Tonnage of Shipping in the said Act particularly enumerated and set down; *which said Duties have been and are continued by Acts since made, until the fifth day of* November *next ensuing, at which time they will expire, unless revived by an Act of this Assembly.*

Be it therefore Enacted by His Excellency the Earl of Bellomont **Governour, Council and Representatives Convened in General Assembly; And it is hereby Enacted and Ordained by the Authority of the same,** That from and after the fifth day of *November* next ensuing, the several Rates and Duties set upon all Wines, Liquors and Merchandizes that shall be Imported into this Province, and all Duties of Tonnage and Excise in and by the said former Act of Impost and Excise, Custom and Tonnage Money, be, and are hereby continued to be paid as in and by the said Act is directed for and during the space and time of one year: *That is to say,* until the fifth day of *November*, which will be in the Year of our Lord, One Thousand and Seven Hundred. And the Money arising thereby to be applyed towards the Support of this His Majesties Government.

FINIS.

MEMORANDA

CONCERNING

THE NEW HAMPSHIRE LAWS

OF 1699

BY

GEORGE H. MOORE, LL. D.

SUPERINTENDENT OF THE LENOX LIBRARY.

Tamquam tabula de naufragio

NEW YORK

PRINTED FOR THE AUTHOR

MDCCCLXXXIX

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— 1893 —

From a Copy Presented to the State Library by the Author.

THE NEW HAMPSHIRE LAWS OF 1699.

The volume of *Acts | and | Laws; | Passed by the | General Court | or | Assembly | of His Majesties | Province of New-Hampshire | in | New-England: | Boston, in New England: | Printed by B. Green: Sold by Eleazar Russel | at his Shop in Portsmouth.* 1716. | has been recognized hitherto as the first printed laws of New Hampshire. It was a small folio of sixty pages, besides the title, and with sundry supplements added within the next ten years after its issue, had no rival or successor for a long period of time.

The sale catalogue of a British bookseller, issued last year (1888) in Exeter, England, changed all this, and the first printed laws of New Hampshire now and hereafter must be dated seventeen years earlier, in the last year but one of the seventeenth century. In that catalogue the following item appeared, under the head of "America and the West Indies."

"*Acts and Laws passed by the General Court or Assembly of His Majesties Province of New-Hampshire in* New-England, *begun and held at Portsmouth on Monday, August 7th*, 1699. *folio*, pp. 10. rare *2 l. 2 s. Boston, printed by B. Green and J. Allen Printers to His Excelleney the Earl of Bellomont*, 1699."

As soon as this catalogue made its appearance in New York the book was promptly ordered by cable; but it had already been secured by an English buyer, who was quick to perceive the value of his prize, and did not relinquish it to my continued and eager pursuit until he received pounds for his shillings.

From the time when William Smith of Exeter, N. H., first called attention to the subject of the sources of New Hampshire Law (*Farmer & Moore:* III, 201) to this day, no one of the writers who have discussed the subject, has betrayed any knowledge or suspicion of the fact that any of the laws of that Province were printed before 1700. Yet, strange to say, the evidence of such printing was patent among its official records, and (stranger still) has been in print for more than twenty years. In the identical volume of the *Provincial*

Records in which its Editor quotes the volume of 1716 and repeatedly refers to it as "the first printed laws of the Province," the history of an earlier edition is distinctly indicated, and the evidence appears of the fact that the Laws of 1699 were printed in the year in which they were enacted, and that the printing, which was probably ordered by the Governor, was paid for by the Province Treasurer.

The Earl of Bellomont, who was Governor of New York, Massachusetts, and New Hampshire from 1697 to 1701, published his Commission in the latter province on the 31st July, 1699, at Portsmouth, where he met the Legislature, a few days later, on the seventh of August. He was welcomed with great joy by the people and began his administration under the most favorable auspices. The session continued for ten days, and the record of the last day is as follows:

[*Journal of the Council and Assembly 17th August*, 1699.]

"Several acts having passed both Houses, were consented to by his Excellency the Govern^{r}, and by him signed accordingly: viz:

"An Act for Restraining and Punishing Privateers and Pirates.

"An act to return able and sufficient Jurors to Serve in the several Courts of Justice, and to Regulate the Election of Representatives to Serve in the General Assembly within this Province.

"An Act for a Tax or Assessment, of *Five Hundred Pounds*.

"An Act for Establishing Courts of Publick Justice within this Province.

"An Act for continuing several Rates and Duties of Custom, Excise, Impost and Powder Money, on Tonnage of Shipping.[1]

"After which his Excellency was pleased to prorogue the Assembly to Monday the 18th of September next."

At an adjourned meeting, November 9, 1699:

"Bartholomew Green, printer, his letter from Boston, dated 24th October, 1699, was read, relating to the printing of Several Laws of this Province, amounting to three pounds.

"Ordered, that the said sum be allowed, and an order forthwith granted to the Treasurer for pay^{t} of the same."

The laws thus printed were those of which the titles are given above, making a volume of ten pages — folio, title verso blank, pp. 3–10, ending with *Finis*, signatures A and B in fours and C in one. An imitation of the title page precedes this notice.

Two only of the five statutes of 1699 appear in subsequent editions or publications of the Laws of New Hampshire — the act respecting

1. It is a curious feature in this act that the name of the Governor accompanies his title in the enacting clause, viz.: "Be it therefore Enacted by his Excellency *the Earl of Bellomont* Governour," etc.

Jurors and regulating the election of Representatives to serve in the General Assembly, and the act establishing Courts of Justice. Bellomont transmitted them all to the Commissioners of Trade and Plantations, upon which they declared to the Lords Justices their inability to make a perfect Report, because of the confusion and uncertain state of the former Acts of that Province — but they recommended the repeal of the Act for restraining and punishing Privateers and Pirates; and with reference to the gift of five hundred pounds to the Governor, they advised that he be permitted to receive it. Both these recommendations were adopted by the King in Council on the 22d October, 1700.

The tax of £500 for the gift to the Earl of Bellomont was assessed upon all persons and estates, according to each town's proportion, as follows:

Portsmouth	112 . 15 . 00
Hampton	148 . 18 . 09
Dover	100 . 11 . 03
Exeter	91 . 10 . 00
New Castle	46 . 05 . 00

The motive of the gift is declared in the language of the act — "in testimony of our great regard and respect unto His Lordship, under whose happy Conduct we assure ourselves to enjoy great quiet and felicity."

This precious little volume, in many respects the most interesting of all the publications of New Hampshire Laws, is not now known to exist, save in this one copy — and as several of the Province Laws can be found nowhere else, New Hampshire (as Massachusetts has done before) must resort to the collections in New York or Pennsylvania to enable her to inspect the original editions, or to recover copies, of several of her ancient statutes, hitherto inaccessible to the modern student of her history.

Lenox Library: GEORGE H. MOORE.
New York: May, 1889.

JOURNAL

OF THE

ASSEMBLY [HOUSE OF REPRESENTATIVES]

OF THE PROVINCE OF NEW HAMPSHIRE.

AUGUST 7 1699 TO OCTOBER 4 1701.

NOTE.

This Journal of the House of Representatives, now first published in the series of Provincial and State Papers, is contemporary with the Journal of the Council and General Assembly given in Dr. Bouton's Vol. 3 of Provincial Papers, beginning on page 64. An important distinction manifestly exists, and should be observed between the record of the Council of that period, acting as an executive and judicial branch of the government, and its journal of proceedings while performing the ordinary functions of a distinct branch of the Legislature or General Assembly of the Province. Discrimination should also be made in reference to those features of the record which indicate frequent sessions of the two houses in joint assembly, or as they are now more generally termed, joint conventions. The existence of this Journal of the Assembly, or House of Representatives, was known to the editor of the volume above cited, for he makes extracts from it for use on pages 67, 88, 112, and 131. The manuscript of the original is bound in an antique volume marked "1699 to 1701," Assembly Records which also contains the Journal of the House of Representatives from November 26, 1723, to December 12, 1724, printed in Vol. 4 of the Provincial Papers, pages 366 to 386 inclusive. A peculiarity of the manuscript record is that the writing continues from the beginning of the book on one page of each sheet, leaving the other page blank; then the book is reversed, and the record is continued backwards by using the pages of the sheets left blank in the first record. The editor of Vol. III, in his preface to that volume, states that "no *Journal of the House* separate from the joint Journal of the Council and Assembly is found till 1711." His note on page 88, of the same volume, would seem to indicate that the quoted statement should have been modified by some reference to the Assembly or House Journal of 1699–1701. That the term "Assembly," as used at this period, is descriptive of the body which also was termed the House of Representatives, is shown by reference to the commission of the Earl of Bellomont, which does not differ in this respect from the commissions of other early Governors of the province. The following is an extract:

"And Our Will and pleasure is that the persons thereupon duly elected by the "Major part of the Freeholders and being soe returned, and having before their "sitting taken the Oaths appointed by Act of Parliament to be taken, instead of the "Oaths of Allegiance and Supremacy, and subscribed the Test and Association "aforesaid, which Oaths you shall commissionate fitt persons under the publike "Seale to Administer, and without taking the said Oaths and Subscribing the said

"Test and Association none shall be capable of sitting tho' elected — shall be called "and held the Assembly of our said Province:" Provincial Papers, Vol. 2, p. 306.

At best, the province records of that period which have been preserved are meager and fragmentary. Such, however, as are authentic and accessible cannot now be omitted with any propriety from the state's publication of its early official documents. Acting upon this conviction, the editor includes in this volume this Journal of the House of Representatives, which begins at a date within twenty-one years of the beginning of the provincial government under John Cutt, although it now necessarily takes a place in the series out of its chronological order.

EDITOR.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

1699-1701.

Province of New Hampshr

A General Assembly being Called by his Excellency Richard Earl of Bellomont Governr and Comander In Cheife of Sd Province on ye 7th of August 1699

The members Elected by the Severel Towns being Present According to there Summons The Govr Sent for them and ordered that They Shuld be qualified by being Sworn Signing the Test and Association Chooseing A Speaker &c And to Present the Speaker to him Att 4 of Clock the Same day —

ffor qualifieing Sd House Jno Hincks Esqr Robt Elliot And Sampson Sheafe Esqrs Were Comisinated for Administering the oaths Apointed by Act of Parliament And Accordingly Then Were Sworn and Signed the Test and Assosiation

for Portsmo

mr Samuel Penhallow
Capt John Pickrin
mr John Plaisteed

For Hampton

Capt Henry Dow
Lt Joseph Swett
Lt John Smith

For Dover

Capt John Woodman
Capt John Tuttle
Lt Nathll Hill

For Exeter

mr Mocis Levet
mr Theophiles Dudly

For New Castle

mr James Randel
Theodore Attkinson

Mr Samuel Penhallow Chosen Speaker & Theodore Attkinson Cleark —

The House Presented There Speaker to the Govr who Delivered him the following Speech Directed to the Councel And Assembly

Gentlemen

I have Called you togeather Att this Time to give you An Opertunity of serving the Comon Interst of your Country by Redresing the Greavances this Province lyes under, and by makeing such laws As may by the blessing of god Establish you In Savety & happiness for the time to Come.

I am very sensible of the great Suferings you Sustained all this last warr by this Province being ffrontier towards the Estern Indians A Cruel and perfedious Enemy In there own nature, but Taught and Encoriged to be more soe by the Jesuits and Other Popish missionaryes from France, who were not more Industries Duering the war to Instigate there Indian Desiples and Prosiletes (as they Are Pleased to Call them) to kill your people Treacherously, then they have been Since the Peace to Debauch those Indians from there former subjections to the Crown of Engld Insomuch As Att Present they Seem to have Departed from there Allegence to the Crown and Revolted to the Frentch; I have taken such measures As Quickly to find out whither those Indians will Return to there Obedience to the Crown or noe If they Doe not And that they Comit Any hostility Upon you I Doubt not but to find An Eassy way of subdueing them —

Upon the Report of his Majestyes Engineer whom I sent to veiw the ffort on the Great Iseland and the Harbor of this Town; I find the Scituation Is naturally well Disposed; but the ffort soe very weak And unable that It Requireth the building A new Substainsiall one to secure you In time of War; You will Doe well to take this Mater Into Consideration As Soon As May Bee —

This Province Is well seated for Trade; And your harbor heer on Piscataqua River soe very good; that A ffort to secure It would Invite People to Come and settle Among you, And As you grow In number Soe will your Trade Advance and fflorish; and you will Usefull to England which you Ought to Covett Above All things Not Only As It is your Ducty but As It will Alsoe be for your Glory & Interest Such A King as god hath blesed us with Att Present And such A Nation As that of England ought to Excite In us A noble Ambition to be Religiously ffaithful to the first and Zealously Subserviant to the Interest of the later —

I Recomend to you Gentlemen of the House of Representatives the Provideing for the Nessasary suport of the Goverment; you being Able to Judge what the Charge will bee And It belongeth to you of Right to Provide the means to Defray that Charge

Gentlemen

You will Doe well to think of Every thing that may Conduse to your own Hapiness and Advantage wherein you may Depend on my Concurance with you ; ffor I have all the Disposition Imaginable To Doe the King and this Country the best servise I Am Capeable of.

For Regulateing the House they have voted That the ffollowing Articles be Observed viz

first

That Every Member of this Assembly that Shall be Absent Att the Time Apointed for meeting And Att Calling Over Shall pay threepence to the Clark for Every such defect

Secondly

That whosoever Shall by Any Misbehaver In Speech or Action Justly offend Any of the members of the House he Shall for the first be Admonished the second fined As the house think meet

thirdly

That none Speak twise untill Every one have liberty to Speak once

fourtly

That Every Member Direct his Speach to the Speaker and not one to Another and when they have A mind to Speak to Any Case they Ask leave of him to Speak

fivethly

That none Smoak tobaco In the house After Calling over on Penalty of 3^{d} for the Clerk

Sixthly

That The Speaker Shall have A Casting Vote when there shall be An Equal Vote

Seventhly

That Any Member of the House Shall have Liberty to Enter his Decent from Any Vote without giveing Any Reason thereof

Eighthly

That If the Speaker be Absent the House may Choose A Speaker Protempore that the Affaires of the House May be Carried on Notwithstanding Such Vacency

Ninthly

That If any Member After being Entered and Qualified Shall Absent himself A Day without leave from the House he shall Pay a fine of five Shilings Except he Shew to the house A sufitient Reason for his Soe Absenting —

Tenthly

That If Any Member of this House Shall be by the Major Part of the House thought Unfitt And not Qualified for S^d^ Place It Shall be In there power to Dismiss Such Person Giveing notise to the Town where he belonged to Choose Another to fill up such Vacency

about swords August & about passing Bills — } 15^th^ 1722

Adjorned untill the 8^th^ Ins^t^ Ten of the Clock

August 8^th^ The whole house Mett According to Adjorm^t^

Made Choise of m^r^ Speaker and m^r^ John Plaisted to Deliver A Congratulary Address to his Excellency As on file

Adjorned untill three of Clock Afternoon

Returned According to Adjor:m^t^

haveing Perused his Excellencyes Speech That the Speaker m^r^ John Plaisteed Cap^t^ Henry Dow & Theodore Attkinson To be A Comitte to Draw up An Answear y^r^to

The Comitte being About to withdraw the House Adjorned untill the 9^th^ Ins^t^ 9 of Clock

Aug^st^ 9^th^ The Assembly mett and gave Cap^t^ Pickrin leave to Absent for one Day he haveing Extryordinary Other business

The Comitte haveing Drawn up An Answ^r^ As ℔: Copie on file to Part of His Excellency^s^ Speech which being Approved by the house was Sent Up —

Adjorned untill y^e^ 10^th^ Inst nine of Clock

Aug : 10 mett Accordingly

Theodore Attkinson not Appearing being Clerk, Cap^t^ Henry Dow was Chosen Clark Potempore Dureing the Sitting of this Assembly when the Clark was Absent

Adjorned for two hours

Returned Accord^ly^

Sent up Several Votes As on file ℔ : Copie

Adjorned untill the 11^th^ Ins^t^ — 10 Clock

Aug: 11 Mett According to Adjornment
Sundry Debaites About the Treasures Accots
Adjorned unto the 12th Inst nine Clock

Aug: 12 Mett Accordingly —
Capt John Pickrin mr John Plaisteed & Theodore Attkinson Chosen A Comitte To Auditt The Treasures Acctts
Adjorned untill ye 14th Ten of Clock

Agust 14 Mett according to Adjornment
on the Comittes Return for auditing the Treasurers Acctts the Assembly Informed His Excellency & Councel As followeth
May It please your Excelency & Councel Wee the Representatives of this Provnc haveing had the Peruseal of the Treasurers Acctts Doe find Errors therein and by the last Treasurers Acctts we find Above one hundred Pounds paid Contrary to the End It was Raised and those to whom It was Due and Raised for Still unpaid and the Incom of the River not Applyed for your Lordships Reception As It was Appointed And noe Acctt of the Collector of Impost last year All which we humbly offer As A Greavance to the Province and Pray that those persons may be sent for And Refund Sd Mony that It may be Applyed to the Intent It was Raised which Is humbly Craved by the Assembly

Theodore Attkinson Clr:

mony wrong Applyed by Major Smith Treasurer

To Capt Walton	£11:15:0
To mr Sheafe	3:—:—
To Capt. Walton	37:11:—
To John Walker	5:—:—
To Duncan Campbell	16:10:—
To Samuel Comfort	2:13:8
To John Usher Esqr Capt Walton & Major Smith	10:—:—
To sundryes for his Excellcy Reception	39:17:4
	126:7:—

Adjorned untill the 15th nine of Clock

Augst 15 Mett According to Adjornm^{t}

Voted That five hundred Pounds be Raised on All Real And Personal Estates within this Province the which we Crave his Excelencyes Reception of Past by the Representatives

Theodore Attkinson Clr :

The Above mony Is to be Raised According to the last Proportianing Every Town but not be Accounted for A Custom heerafter

Adjorned untill the 16th nine of Clock

Aug 16 Mett According to Adjornm^{t}

Adjorned untill y^{e} 17th Six of Clock

Agust 17 Mett According to Adjornm^{t}

Voted That Cap^{t} Pickrin & Theodore Attkinson Acco^{tt} with Major Smith And Receve Sundrys by him bought for his Excellencyes Reception and not yett Expended Into there Custody and Dispose of the Same As they Can for the Use of the Province by order of the house

Theodore Attkinson Clr

His Excellency sent for The Assembly and After the speaker had signed Severel Laws Proroged them Untill Munday the 18th of September

Sep^{t} 18 The Representatives Mett Accordingly

there not being A full Coun^{l} The L^{t} Gov^{r} Prorouged them untill the 7th of november

Novem^{r} 7 Mett according to Prorogation

Adjorned untill the 8th Ins^{t} Ten of Clock

Novem 8 Mett Accordingly —

Adjorned untill y^{e} 9th

Novem 9 Mett Accordingly

m^{r} Samuel Penhallow Cap^{t} Dow & L^{t} John Smith Decents from the Vote of not paying the Gaurd of the Kings Purvears —

Compl^{t} being made to the House of Reprecentatives by the Sheriff that the Prison is not Sufitient

Voted That A Strong logg house be built In the Province for A Prison of thirty foot long fourteen wide one story of seven foot high two brick Chimneyes in the mids five foot Each to be Don forthwith strong and Substantial the Treasurer the overseer and the Charge to

be paid out of the next province Assesment to be Sett In Portsm° In or near the Great ffort by the Assembly

Copie Theodore Attkinson Clr

Whereas there Is A great Compl^t made by sloop men to this house of the Great Demands made by the Collector and navel Officer to the Great Discorigment of Vesels Coming heer to Trade Which will be to the Great Damage of the Province Alsoe the likelihood of paying Tunage and Powder Mony by Vertue of A late Act

Voted That An Actt be passed that noe Vesel Accustomd to Carry lumber out of this Province to the neaboring Collonyes Shall pay Any more then seven shilings Six pence According to former Custom by the Assembly —

Copie Theodore Attkinson Clr

Adjorned untill y^e 21^st^ Ins^t^ ten of Clock by the L^t^ Govern^r^

Novm^r^ 21 Mett According to Adjornment y^e^ 21^st^

Voted That four hundred and Sixty Pounds be Raised on all persons & Estates both Real & Personal According to former Custom to be Paid to the Treasurer by the last of June next the Rates to be Delivered to the Constables by the last of March Next the mony first to be Aplyed for Payment of w^t^ D^ts^ Is Alredy Due And building A prison nextly other Charges Ariseing

Past by the Assembly

Copie Theodore Attkinson Clr

Cap^t^ Henry Dow Decents from proportioning the mony As formerly As Alsoe L^t^ John Smith

Sent for by The L^t^ Gov^r^ and Prorouged untill the first Tewsday In may next

1700

May 7 Mett Accordingly on the 7^th^ May —

Complaint being made by the Sheriff that the Prison now building by Act of Late Assembly Is two little and may now with much less Charge be Inlarged then After

[Here a page of the manuscript is missing.]

Adjorned for one hour

Mett Accordingly

on hearing of A Petition from Abraham Clemens of Hampton for A hearing of a Case Att The next Superiour Court Granted

Voted that the S^d^ Abraham Clements have A hearing

Past by the Assembly

Copie Henry Dow Clr: protempore

In Answear to A petetion from the select men and other Inhabitants of the Town of Hampton

Voted That An Act be passed that noe person whatsoever presume to fence In Any Comon land belonging to any Town within this Province without they Obtain Some grant or liberty from the free holders of the Town where the land belongeth Upon the penalty of being Accounted the Disturbers of the Peace of his Majestyes Subjects In this Province And It shall be In the liberty of A Justice of y^e^ Peace to bind over Any Such person to the next Qarter sessions of the peace to Answear for there Contempt in not observing S^d^ Act

L^t^ Smith Decents Passed by the Assembly

Copie Theodore Attkinson Clr :

Sent for by The L^t^ Gov^r^ and Signed A Leter In Answear to the Earl of Bellom^t^ Leter And Adjorned untill the 9^th^ of July twelve of Clock

July 9 mett According to Adjorment

Adjorned untill y^e^ 10^th^ nine of Clock

July 10 Mett According to Adjorment

m^r^ James Randel A Member of this house haveing been often Absent Att the Appointed Time for Meeting

Voted That m^r^ Randel be forthwith sent for to give this house A Reason for his Absenting himself therefrom

by order of the House Theodore Attkinson Clr :

Whearas there Is A Great Defesiency In this Province for want of Severel Laws Humbly Offered

That A Comitte be Chosen out of both houses for Drawing up the Same And that they be Refered to the next session of the Assembly for A full Confirmation Copie

Adjorned for 1½ hour

Mett Accordingly

Adjorned Untill y^e^ 11^th^ 8 of Clock

July 11 Mett Accordingly on y^e^ 11^th^

m^r^ Randle Appeared And Gave satisfactory Reasons for his being formerly Absent Henry Dow Clr : protempore

haveing Recd and Perused the Estimate Give in by Coll : Romer And Annexed the sum wee think Each Pirtecular will Cost As follow^th^ viz

1ly	14784	Cart load of Quarry Stones . . .	£2956 : 16 : —
2	49280	bushels of newbery marble limb . .	2464 : — : —
3	24640	bushels of Sharp fresh water Sand . .	205 : 6 : 8
4	22000	of brick	179 : — : —
5	3502	bushels of newbery lime . . .	154 : — : —
6	200	Spars Att 12d	10 : — : —
7	600	Plancks	48 : — : —
8	200	Peices 5 foot long 4 & 5 Inches . .	4 : — : —
9	2000	Deales soposed to Contain 40000 . .	60 : — : —
10	64	peices of 12½ foot long 6 & 7 Inches .	3 : — : —
11	4000	foot of Ribs 4 & 5 Inches square . .	6 : — : —
			£6105 : 14 : 8

This Accott Is thought the Lowest Prise that the things will be brought Into Place for

Voted That the Above Estimate As stated with the Prises be Inclosed In A letter to his Excellency our Govr to Signifie our Incapacity for Raising Soe Great A sum As alsoe to pray his Excellencyes ffavor In leaveing some orders for Releave And Assistance to be given us from our Neabors the massathusets In Case of A new Indian Warr : which we have Just Cause to Expect and humbly to Refer his Excellency to the Lt Govr for A more perticular Accott of our Afairs and that the Lt Govr & Councel Bee prayed to Joyne with us therein

Copie Henry Dow Clr protempore

Whearas there Is more then ordinary grounds of fear that the Indians will break forth In A way of hostility Against us

It is humbly Offered by this house that the Indians henceforward be Att noe time Sufered to Come Within the Bodyes of any of the Towns within this Province but whereas Some of them Profes Subjection to the Crown of Engld that soe long they be sup'lyed with Suetible Necessaryes Att Some Frontier Places According to the Discretion of The Honerable ye Govr & Councel and that Effectual Care be taken for Repairing the severel Garrisons And maintaining A Constant Watch In Every Respective Town

Copie Henry Dow Clr: Protempore

Wheras there is an Ilconveniance in not haveing A fair transcript of all votes and other writeings passed In the house of Representatives Since the Earl of Bellomot our Govr and Comander In Chiefs Arival heer

Voted That A fair Transcript be Drawn up by the Clerk of the Assembly out of the papers thereto belonging in A book and the

Charge thereof being Allowed by A Comitte Apointed be paid out of the Publicque Treasury

Theodore Attkinson Clr:

John Pickrin Decents from ye Above Vote

The house by the Lt Govr Adjorned untill the 18th Inst 12 of Clock

July 18 Mett According to Adjornment A letter as on file the Copie to his Excellency

Adjorned untill ye 19th 9 of Clock

19 Mett on ye 19th According to Adjornmt

Voted That An Act be pased for the better observation of the lords day and that A bill be Drawn up Accordingly

Theodore Attkinson Clr:—

Adjorned by the Lt Govr untill the 3d Tuesday In Augst next 12 of Clock being ye 20th

Augst 20 Mett According to Adjornment 20th August

Capt Pickrin & mr Mocis Leavet being Absent last Meeting of this house gave Satisfaction for the Same

Adjorned untill the 21st nine of Clock

21 Mett According to Adjornment

Theodore Attkinson & mr John Plaisteed paid Each 12d for there being Absent yesterday

Wheras there is A Defetiency In this Province for want of several Laws It is humbly Offered that A Comitte be Chosen out of Each house for transcribeing and Drawing up such A body as may be suetible to the Constitution of the Province by the Assembly

Copie Theodore Attkinson Clr:

Adjorned untill the 22d nine of Clock

Aug 22 Mett According to Adjornment

20ll Granted Major Vaughan As ℔ Copia of Vote on file

Adjorned by the Lt Govr untill the nith of october

Oct 9 Mett According to Adjornmt 9th Octr 1700

adjorned by the Lt Govr untill ye 29th Janry

Janry 29 Mett According to Adjornment 29th Janry

Voted that the Law of Tonage Impost and Excise be continued for one year only with this Alteration That All Vesels Above four-

teen Tons Pay Powder Duety According As they of thirty Tons Did In the former Act Except those that Come loaden with hay or provitions

Past by the Assembly

Copie Theodore Attkinson Clr :

Mr Theoph : Dudly decents from ys Vote 29th Janry 1700/1

Adjorned by the Speaker untill ye 30th nine of Clock

30th Mett on the 30th Accordingly

Voted That whereas It hath been Alredy moved that A Comitte out of both houses be Appointed for drawing up such Laws As may be Suitable for the Constitution of the province Wee humbly Crave leave to Remind your Honers of the Same Conceiveing it to be of Absolute necessity

Voted That The Speaker and Capt Dow Deliver the minds of this house In answear to A proposeal sent from the Uper house by Richd Waldron Esqr for Considering what Laws Is Neccessary for the Present —

Answr That the mind of the house Is it Shuld be Left to the Discrestion of A Comitte Apointed for that purpose

on the Return of the Speaker and Capt Dow

Voted That A Conferance with the Lt Govr and Councel be Offered by mr Plaisteed & mr Theophilus Dudly

Adjorned untill ye 31st nine of Clock

Jany 31 Mett Accordingly

Adjorned unto the first Febry 9 Clock

Febry ye 1 Mett According to Adjornmt

Whereas of Late Sundry Members of this house have been Wanting therein ordered that the Clerk send to them to Appear on the 3d Inst To shew Reasons If Any they Can for there neglect

Adjorned Untill Munday ye 3d Inst 10 of Clock

3d Mett According to Adjornment

Mr Mocis Levet Amersed 4s for his last weeks Neglect

Adjorned untill the 4th 9 of Clock

4th Mett Accordingly

Mr Dudly for Absence yesterday pd 12d

The Lt Govr and Councel In Answear to A former Vote for Chooseing a Comitte To Draw Up Such Laws As Might be Nessasary for

the Province have Chosein John Hincks and Robert Eliot Esq^{rs} to be Assisted by the secretary

Voted That for this House Cap^{t} John Pickrin and Cap^{t} Henry Dow Are of the Comitte and to be Assisted by the Clerk

Adjorned Untill y^{e} 5th 9 of Clock

5th Mett According to Adjornm^{t}

Cap^{t} Pickrin Sent with A Request to the L^{t} Gov^{r} & Councel that the Iles of Sholes May have An order for Sending A member to this house Against next Sitting

Voted that whereas Sundry Gentlemen Are now Appointed for Drawing Up Severel laws As A Comittee that Each person Duering the servise be p^{d} from the publicque Treasury three Shillings ℔ Diem

by order Theodore Atkinson Clr:

by The L^{t} Gov^{r} Adjorned Untill the 7th March 12 of Clock

7th Mett According to Adjornment

Cap^{t} Woodman & L^{t} Swet p^{d} 2^{s} Each for there Absence last Sessions

Adjorned Untill y^{e} 8th Ins^{t} 8 of Clock

8th Mett According to adjornment

Voted That there be p^{d} to L^{t} Gov^{r} Partridge for the Use of S^{r} Henry Ashurst As A Gratification for Servise Done this Prov^{ce} by him fivety pounds Sterling out of the Income of the River As Soon As Possible

Past by The Assembly

Copia Henry Dow Cler: protempore

Adjorned by the L^{t} Gov^{r} to y^{e} 29th April ten of Clock —

Apr^{l} 29 Mett According to Adjornment

Adjorned by the L^{t} Gov^{r} unto the 20th May 12 of Clock

20th May 1701

May 20 The house mett According to Adjornm^{t}

M^{r} Dudly Sent to the L^{t} Gov^{r} & Councel for the Late Comitte^{s} Return

The Secretary brought Down the Same

m^{r} Andrew Wiggin^{s} Petetion Presented y^{e} 29th Jan^{ry} now three times Read Is Refered unto farther Consideration —

An Act for Establishing Titles of land being Drawn up by the Comitte It being Perused Is Voted and Sent up for Concurance

Adjorned unto y^{e} 21st 8 of Clock —

May 21 Mett According to Adjornment

The Act of Limitations for Quieting pocessions Voted

The Petetion of Jonathan Wadleigh and Nicholas Gording Constables of Exeter Dated y^e^ 7^th^ March 1700/1 Read And M^r^ Moces & Sam^ll^ Leavet & John Folsam three of the Select Men for S^d^ Town of Exeter Profered there oaths that the Two Lists of Rates which the Two Constables Afors^d^ Shewed to this House were Signed by them As select Men

The house Considering the Same Give there opinian that those Delinq^ts^ In the Lists Are the severel Sums Indepted to the Constables and that the Same may be Recovered by Comon Law from the severel persons

Adjorned Untill y^e^ 22^d^ Eight of Clock

May 22 Mett According to Adjornm^t^

Voted that the Act Against Trespassing on Town Comons be sent up for Concurance

Voted That the Addition About Marriages be Sent up for Concurance

Voted that An Act for Strengthen Sheriffs Constables &c be Sent up for Concurance.

Voted That the Addition to the Act for Establishing Courts of Judicature be Sent up for Concurance

Voted That An Act for Regulating Tanners Curriers and Cordwainers &c be sent up for Concurence

The house being Att A Debate whither through the Death of The Earle of Bellomont there Power be not Ended therefore Desire the Speaker to Propose to the L^t^ Gov^r^ & Councel for there Opinians In the Matter —

Adjorned untill y^e^ 23^d^ Eight of Clock —

23 Mett According to Adjornment

Voted That A Constables watch be Sett As ☞ : Vote one file

M^r^ Waldron Sent Down To answear the Dout of the house Refering to there power^s^ being Lessened by the Death of the Earl of Bellom^t^ &c

The mind of the L^t^ Gov^r^ & Councel Is that the Powers In An Officers Are not Altered by his Death

It being Debated Again In the house they are most of the Same mind with the L^t^ Gov^r^ & Councel but Some Objecting the Speaker Is Desired to Inform the L^t^ Gov^r^ & Councel that the major part was for goeing on and Acting as formerly —

The Speaker Delivered the same

Cap^{t} John Tuttle and L^{t} John Smith haveing withdrawn themselves from the Assembly The Assembly Request the L^{t} Gov^{r} that the Vacancy made be made up by A New Choise

The house by the L^{t} Gov^{r} adjorned untill the 10th of June

June 10 the 10th of June Appeared In the Room of Cap^{t} Tutle L^{t} James Davis and Timothy Hilliard In the Room of L^{t} John Smith who being Qalified Are Joyned as members of this House the Rest of the House Meeting According to Adjornm^{t}

The House humbly pray that these severel Acts now Drawn up and pased by the Assembly be Ingrosed

1st An Act for Establishing Town Bound^{s} & lands
2 An Act for Limitation of Quieting possesions
3^{d} An Act for Strenthing Sheriffs Constables &c
4 An Act Against Trespasing on Town Comons
5 An Adition to the Act Relateing to Courts
6 An Act to Prevent ffrauds in Taners &c
7 An Act for A Constables Watch

Pased by the Assembly

Theodore Atkinson Clr:

Adjorned untill y^{e} 11th nine of Clock

11th Mett According to Adjornment

The Act for setleing Entestate Estates Aded Insolvant Estates how to be Disposed Is Refered to farther Consideration

The Act An Addition to the Law Titled Mariages Voted to be Sent up for Concurance

Adjorned by the Speaker to y^{e} 12th 8 Clock

June 12 Mett According to Adjornment

The Act yesterday Debaited and Laid Aside for Consideration for Setleing Intestate and Insolv^{t} Estates Voted to be sent up for Concurance

The Act for punishing Criminal offend^{rs} Voted to be Sent up for Concurance

The Act Against Selling Strong to the Indians left for farther Consideration

The last three Votes sent up by m^{r} Randel Viz

An Adition to the Law About Mariages

An Act for punishing Criminal Offenders

An Act About Intestate & Insolv^{t} Estates

The House Is Humbly of opinian that the Act for Releafe and Release of poor Prisoners be farther Considered

The Act for Afirming of former Judgment &c Refered to farther Consideration

The House by the Speaker Adjorned untill y^e^ 13 Ins^t^ 9 of Clock

June 13 Mett According to Adjornment

Sent up A bill for Recording Deeds &c

Sent up A bill Against Impounding Cattle wrongfully &c

Adjorned by The Speaker Untill y^e^ 14 Ins^t^ 8 of Clock —

14 The House Mett According to Adjornm^t^

The Act for setleing Town bounds Voted and Sent up for Concurance

The House sent for by the L^t^ Gov^r^ and Adjorned Untill Wedensday the 18^th^ Ins^t^ by 10 of Clock

June 18 The House Mett According to Adjornm^t^

A Bill Sent up to Confirm Town bounds A second Time

A Bill past and sent up for Concurance To Enjoyne Persons to work for Repairing of his majestyes high wayes & Bridges

Adjorned by The Speaker until the 19^th^ Ins^t^ 8 of Clock —

19 The House Mett According to Adjornment y^e^ 19^th^

The House Desire A Sight of the papers Sent Up to the Councel board formerly Relateing to the bounds of the Several Towns within this Province sent up by Cap^t^ Pickrin

Sent up A Law for Regulating seamen

A Petetion being Presented by from Thomas Packer Shadrach Walton W^m^ Partridge Jn^r^ & Eliz^a^ Harvy Tavern Keepers In Portsm^o^ Against Retailers &c Read Three Times left to farther Consideracon

Speech In writeing from the L^t^ Gov^r^ Rec^d^ and Read left to Consideration

A Petetion from Nath: Ayers Recd. and Read and left to Consideration untill tomorrow

A Request sent up to the Councel board to have A Comitte Appointed for the perusel of w^t^ Papers Concernes the Town bounds &c

An Act Sent up for Concurance for takeing Avidavits out of Court

A Comittee Is Apointed for Examining the Papers About Town bounds Viz Peter Cofin & W^m^ Vaughan Esq^rs^ Cap^ts^ Henry Dow and John Pickrin

Adjorned by the Speaker Untill the 20^th^ Ins^t^ nine of Clock

20 Mett According to Adjornm^t^ on y^e^ 20^th^ June

Nath: Ayres his Petetion yesterday Read Is granted him Cap^t^ Hery Dow L^t^ Joseph Swet and m^r^ Timô Hillard Enter there Decents Against It

The Honorable the L^{t} Gov^{r} Mooved this House that they would Consider Something As A Gratification to S^{r} Henry Ashurst for the Service he hath Don this Province As Alsoe his own Disbursments for the good of the Same —

Adjorned untill y^{e} 21st Eight of Clock by the Speaker

21 The House mett according to Adjornm^{t}

The following Vote Sent up

As an Adition to the former Act Relateing to Sloopes and other Vesels Above twelve Tons to Pay powder mony for one year from the Date thereof

Be It farther Enacted by the L^{t} Gov^{r} Councel and Representatives that As well the Sloopes belonging to this province As All others Pay the S^{d} Sums Imposed by S^{d} Act Untill the year be Up Vera Copia

A Petetion from Samuel Comfort Recd Read and on Consideration Laid Aside the Representatives see no Reason to Medle therewith

Voted that for the Reimbursment of the Hon^{ble} W^{m} Partridge Esq^{r} L^{t} Gov^{r} In part for what he have Expended for the Use of this Province that he shall have one hundred pounds p^{d} out of the next Assesm^{t} that is made In this Province, and alsoe that there Shall be p^{d} to S^{r} Henry Ashurst Soe much As Shall make up that we gave him the 8th March 1700/1 one hundred pounds Currant mony of New Engl^{d}

Passed by the Assembly

Henry Dow Cler : protemporee

Voted that m^{r} Charles Story Shall have twelve Pounds paid him out of the next Assesment made In this Province As A gratification for his Extryordinary Service done for S^{d} Province

Past by the Assembly

Henry Dow Clr : protemporee

In Answear to the Petetion of Collonell Thomas Packer Walton Partridge Harvy &c It haveing been three Times Read The Assembly See noe Cause to Grant It

The House by the L^{t} Gov^{r} Adjorned Untill y^{e} 16th July 12th of Clock

July 16th The House mett According to Adjornm^{t}

Present

Samuel Penhallow Esq^{r} Speaker

Cap^{t} Henry Dow	L^{t} James Davis
L^{t} Joseph Swet	m^{r} Mocis Leavet

m^r^ Timô : Hilliard
Cap^t^ John Woodman
L^t^ Nath : Hill
m^r^ James Randel
m^r^ Theoph : Dudly
m^r^ John Plaisteed
Theodore Atkinson

A Compl^t^ As on file by way of Petetion Exhibited Against Major William Vaughan by m^r^ Samuel Penhallow and m^r^ Sam^ll^ Keais Executors of the Last will And Testament of m^r^ Bridget Graford Late of Portsm^o^ Deced for that the S^d^ Vaughan Did Some time past Receve An Instrument in writeing from the S^d^ Keais (As he was Recorder) to Record yett notwithstanding the S^d^ Vaughan Doth Refuse to Deliver the S^d^ Deed of gift or Instrument to him the S^d^ Keais or them they being Joyntly Concerned thereabouts or A Copie thereof Atested As the Recorder: Which Is to there Damage &c

The House order that Major Vaughan be Sent for to heer what he hath to Answear thereto

ordered that Cap^t^ Henry Dow be Speaker protemporee to Examin Into the Same

Major Vaughan Appearing and the Compl^t^ read he Aledges that the Complainents have not proved themselves Executors to the S^d^ Bridget Graforts Will, & that the S^d^ Deed Did belong to him and his Children Owning before the Assembly that he had Recd S^d^ Deed of m^r^ Keais

Refered to Consideration

Sent up to Pray A Consideration About the former proposel for the Setlement of Townships and Town bounds

by The Speaker Adjorned Untill y^e^ 17 Ins^t^ 8 of Clock

Mett on the 17^th^ According to Adjornm^t^

Whearas This House have Recd A Leter from the Honered Isaac Adington Esq^r^ Direced to the Goverment of the Province of New Hampsh^r^ Dated the 30^th^ June 1701 he Signifiing In S^d^ Leter that he Is Comanded to write As In S^d^ Leter may more fully Appear and whereas he Sayeth they have Exemted Vesels Tradeing from our parts to that Province from payment of Tonnage Duety And hope we will take such Considerations as to Remoove Any Complaints to be made to them for the future

Voted That An Act be passed To Repeal that Act made for the Small Tradeing Vesels paying Tonnage According to the Intent of the Last Act made for A year

Alsoe Voted That An Answear be Sent to the Goverment of the Massathusets What Is Don About the Same and In Moderate words Let them know that we take It very unkindly that his Majesty^s^ Goverment Is wrote unto In Such harsh Experssions As Is In S^d^ Leter

by order of the Assembly

Copie

Theodore Atkinson Clr:

Sent up an Answear to the L^{t} Gov^{rs} proposal As to A Suply of powder mony Att his Majestyes ffourt Att Great Island

17th July 1701

Major Vaughan S^{r} your Honer was ℔ sent yesterday and heard the Compl^{t} Read that was put up to us by m^{r} Samuel Penhallow and m^{r} Samuel Keais you were pleased to Object that they had not made it Apear that they were Executors to the last will and Testament of m^{rs} Bridget Grafort late Dec'd : This Day this house have Seen that the Witneses to S^{d} Will are Sworn and the Will proved And those two men Apointed Executors In S^{d} Will This house have Alsoe Seen and heard A Copia of the Deed from Cap^{t} Rich^{d} Cutt to Cap^{t} Daniel And this house Is of opinian that you ought As you are Recorder for the Province to Record the S^{d} Deed soe soon As may bee If it be not Don Alredy (and Deliver It to them forthwith) and to Return the original to one or both of them As they are Executors. Which If your Honer promis to Doe will Satisfie this house If you Doe not Please to Doe It will Put this house Upon Takeing Such Measurers as that there may be noe more such Complaints made If it be in our power to rectifie it/ Major Vaughn Desires A Copia & time untill tomorrow to Answer Its Granted

Henry Dow Speaker & Clr protemporee

A Vote once More sent up to Desire A Setlement of there Antient Town bounds As neer As possible with w^{t} Small amendm^{t} may be thought Needful

The House have Voted That henceforward the Clerk of the Assembly and in his Absence the Clerk Protemporee Shall be Allowed Eighteen pence ℔ : Day to be paid out of the Publique Treasury for writeing for the Assembly & finding paper & Resiteing y^{e} Minuts in this book Henry Dow Clr : protemp^{ry}

Adjorned by the Speaker untill y^{e} 18th Ins^{t} 8 of Clock

July 18 Mett Accordinging to Adjornment y^{e} 18th

A Request Sent to the Council board That his Majes^{ty} May be throughly Aquainted with the Estate of this Province And That they Shall Stand In need of help If War Shuld break out Again

The Publicque Afairs of the House of Representatives being much Obstructed by Persons Sitting and Lying on the bed Voted That Whosoever hence forward Either Sitt or ly Down Shall forfeit three pence To the house for A fine for Every such Default After the House Is Called over

Passed by the House

Henry Dow Clr : Protemporee

Whearas the Publicque Affairs of this House Is much obstructed by Reason of several Members thereof Soe offten withdraw themselves Into the Chimney to take tobacco and sitt Talking And not Attend the Afairs of the House.

Voted That Whoesoever Shall Soe doe for the future Shall pay A fine of three pence to the Clerk for Every Such Offence Except leave be givein &c

A vote sent up for the Secretary to Draw An Answear to the letter Recd from the Goverment of the Massathusets Relaiting to Tonnage According to A former Vote

A Request to have A Comitte Apointed for Copiaing out such Laws As shall be thought Needful formerly passed In this Province Against Next Meeting of this house In order to have them printed

A Vote As ℔: Copia on file to Supress retailers Henry Dow Decents Against It

The house by the Speaker Adjorned untill the 19th Inst Eight of Clock

July 19 Mett According to Adjornmt on ye 19 July

A Request sent to the uper house that the Recorder of this Province May be forthwith Sworn As the Law Directs

Upon Aplication of Richd Jose Esqr high Sheriff of this Province for Some Consideration for Extryordinary Service Don for this Province Voted That he the Sd Jose Shall have Six pounds out of the next Province Rate

Mr Timô Hiliard Decents Agast the Above Vote

Mr Timothy Hilliard being Dismised from this house As being Voted A person Not fitt to be A member thereof

A Request sent to the Upper house that notice may be given in for the filling up the Vacancy made by Hilliards Dismission

The House being sent for by the Lt Govr and Adjorned Untill ye 14th Augst 12 of Clock Next Ensueing 1701

August the 14th 1701

The House mett According to Adjornment and mr John Tuck being Legally Chosen As ℔: Certificate on file and being Legally Qalified Is Excepted As A Member of this house In the Room of mr Timothy Hilliard.

Capt Pickrin being Absent last Sessions of this house Is fined by the house 18d £0:1:6

Sent for by the Lt Govr And Adjorned untill the 28th Inst twelve of Clock

The 28th August 1701 the House Mett according to Adjornment ℔sent

mr John Plaisteed	mr James Randell
Capt Henry Dow	mr Mocis Levett
mr John Tuck	mr Theophilus Dudly
Lt Joseph Swett	Capt John Pickrin
Lt Nath Hill	Lt James Davis

The House made Choise of mr John Plaisteed Speaker Protemporee

Adjorned untill ye 29th Eight of Clock by ye Speker

29th Aug : Mett According to Adjornment ℔sent All those yesterday Except mr James Randel mr Samuel Penhallow the Speaker being Returned from A Jorney Appeared before Night And Adjorned the House Untill ye 30th Inst Eight of Clock

30th Agst Mett on the 30th Agust According to Adjornmt ℔sent

Mr Samuel Penhallow Speaker

Capt Pickrin	mr Mocis Leavet
mr Plaisteed	mr Dudly
Capt Dow	Lt James Davis
mr Tuck	Lt Nath : Hill
Lt Joseph Swet	Theodore Atkinson

The Lt Governr Sent Down two leters from his majesty both bearing Date ye 19th Janry 1700/1 Which being Severel Times Read ; one to Make An Act Against Cutting of Timber fitt for the Use of his majts Royal Navy : The other to fortifie the Province and To Suply New York with forty men In Case of an Attacque on there frontiers

In Answear thereunto

Voted That A memorial be Drawn up to Accompany An Address to his Majesty Upon the Subject Mater of the Above mentioned Leters

Past by the house of Representvs

Theodore Atkinson Clr

Voted that A Comitte of this House Joyne A Comitte of the Councel board To Draw up Sd Memorial & Address And that the Same be laid before this House Capt Pickrin and mr John Plaisteed to be A Comitte for the house of Representatives

And that A fitt Person or two may be Imployed As Agent or Agents to Represent this Province In Engld And that for the De-

fraying the Charges three hundred pounds be Raised and Paid out of the Treasury
by The Representatives

Theodore Atkinson Clr:

Capt Dow Enters his Decent Against raising the £300 —
The Bill brought Down for the Setleing Town bounds Voted And Agreed to be Sent up by Mr John Plaisteed

mr Samll Penhallow
Capt John Pickrin
mr Theoph: Dudly
mr Mocis Leavet
} Enter there Decents against the Same

by The Lt Govr Adjorned until the 10th of Sept 12 of Clock

Sept ye 10 — 1701

The House Mett According to Adjornment ℔sent

mr Samuel Penhallow Speaker

mr John Plaisteed	Lt Joseph Swet
Capt Henry Dow	mr John Tuck
mr James Randel	Lt Nath: Hill
Theodore Atkinson	mr Mocis Levet
	mr Theop: Dudly

Adjorned by the Speaker untill ye 11 Inst 8 of Clock

Sept 11 Mett on the 11 Sept According to Adjornmt
The Same that were ℔sent Yesterday Except mr James Randel and In his Room Capt John Pickrin Appeared
Voted that New Castle be Enacted among the Rest of the Towns of this Province Theodore Atkinson Clr:
Voted that Kings Town be Alsoe Inserted As A Town Provided they Infring not on Exeter bounds Theodore Atkinson Clr:
A Vote sent up for Altering of the Courts In bringing All actions Above forty Shilings first to the Inferiour Court &c
By order of the House Theodore Atkinson Clr:
Vote for Confirmation of Town Grants sent up
Adjorned by the Speaker unto ye 12th Inst 8 Clock

Sept 12 Mett on the 12th Sept According to Adjornment
The Speaker being Absent Capt John Pickrin Is Chosen Speaker Protemporee Att Any Time In the Speakers Absence

Henry Dow Clr: Protemporee

The Act for Confirmation of All Town Grants sent up and prayed It might be Engrosed

Vote as ℔ Copia on file for Raising £550 Sent up ℔ : m^r John Plaisteed and Concured with by the Councel board &c

Adjorned by the Speaker untill y^e 13^th Ins^t 8 of Clock

18 Sep^t Mett According to Adjornment on y^e 13^th Sep^t

An Adress And Memorial to the Kings most Excelent Majesty Drawn up by A Comittee According to A Vote on the 30^th Aug^st last past being Presented to this House Is Approved And liked and by order of the House sent To the Councel board by m^r Nath Hill

Theodore Atkinson Clr

Prorouged by the L^t Gov^r untill y^e 2^d day of October next

Theodore Atkinson Clr :

2^d October 1701

The house of Representatives mett According to Prorogation Present

M^r Sam^ll Penhallow Speaker

m^r John Plaisteed	L^t James Davis
Cap^t Henry Dow	L^t Nath : Hill
L^t Joseph Swet	m^r Mocis Leavet
Cap^t John Woodman	m^r Theoph : Dudly

By the Speaker Adjorned untill y^e 3^d Ins^t 10 Clock

Oct y^e 3^d The house mett according to Adjornment ℔sent All those yesterday and Pickrin

Sent Up to Pray the Act About Courts May be Engrosed

Adjorned by the Speaker unto the 4^th Ins^t 8 of Clock

Oct 4 Mett on y^e 4^th According to Adjornment ℔sent All those y^t were Yesterday

The House Sent for by the L^t Gov^r and Prorouged Unto the first Tuesday of April next

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* Other forms of spelling are Winnacunnet, Winaconet, Wennicunnett, Winnacawett, Winnicowett.

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